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3. 3

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THE

CHARTER AND ORDINANCES

OF THE

CITY OF SALEM

TOGETHER WITH THE

SPECIAL STATUTES RELATING TO THE CITY

AND OTHER MATTERS APPENDED THERETO.

REVISION OF 1895.

SALEM:
PRESS OF BARRY & LUFKIN.
1896.

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IN CITY COUNCIL, CITY OF SALEM, January 12, 1894.

Ordered: That a joint special committee of two members of the board of aldermen and three members of the common council, be appointed to cause the revision, compilation and printing of the city ordinances, with such other matter as they may deem expedient, and that said committee be authorized to employ such assistance as may be necessary, and that the expense thereof be charged to the appropriation for incidentals (printing, advertising, etc.,) in the mayor and aldermen's department.

IN COMMON COUNCIL, January 12, 1894.

Order adopted,—Councilmen Arthur A. Averille, Joseph B. Saunders and William D. Chapple appointed on the part of this board, and sent up for concurrence and to be joined.

WM. F. M. COLLINS, *Clerk*.

IN BOARD OF ALDERMEN, January 16, 1894.

Rules suspended; order adopted in concurrence, Aldermen Augustus J. Fabens and William H. Gove, joined to the committee.

H. M. MEEK, *Clerk*.

A true copy: attest,

J. CLIFFORD ENTWISLE, *City Clerk*.

JS
331q . 1

PREFACE.

The revision of the ordinances of the city of Salem here presented was prepared under the authority of the order printed on the opposite page, and constitutes the sixth edition of the collected ordinances of the city. In all these editions except the first and third the ordinances were revised and re-arranged. The dates of the several editions are: 1849, (authorized by order of April 9th); 1853, November 14th; 1867, (authorized by order of January 22d); 1873, January 24th; 1880, December 10th; 1895, April 3d.

The committee selected as their clerk and assistant, Henry M. Meek, Esq., whose long experience as city clerk and care and skill as a compiler rendered his services of the greatest value. They were thus relieved from all clerical work and from the laborious detail of comparing and arranging the provisions of the statutes and ordinances in force at the time of making the revision. Frequent meetings of the committee were held at which all matters involved in the work, were fully discussed and decided upon.

The complete revision was submitted to the city council by the middle of December, 1894, but as the council of that year failed to take up the report for consideration, the task fell to the city council of 1895, which spent about three months upon it and finally adopted the ordinances substantially as reported. Nearly a year has since been consumed by the printers in putting the book through the press. This is a much longer time than the committee expected; and it might have been better, considering the inconvenience to the public in being left so long without means of readily consulting the ordinances in force, if a penalty had been provided for failure to complete the work within a fixed time.

By the sudden death of alderman Augustus J. Fabens, which occurred May 26th, 1894, the committee was deprived of its chairman, and the city of an able and faithful public servant. The vacancy on the committee was not filled, the work being continued with alderman Gove as chairman. Councilman Saunders retired from the city council at the end of the year 1894, and Mr. Averille from that time served as a member of the board of aldermen, leaving the common council with but a single representative; but with the exception of Messrs. Fabens and Saunders, the same persons have been continued as the committee in charge of the work from the beginning, no others having been added.

Of the plan of the book little need be said, as it resembles in most respects that of the edition of 1880. All ordinances remaining in force appear here completely revised and rearranged.

With them have been incorporated, by vote of a majority of the committee, the principal statutory provisions relating to their various subject matters. The object of this was to bring together, so far as convenient, all provisions of law bearing directly upon municipal matters. For the actual authority, however, the statutes themselves should be consulted; and, to facilitate this, marginal references have been freely inserted and the charter and acts in amendment thereof, with the special statutes relative to the city, have also been included in the volume.

The other matter appended to the ordinances differs but little in its character from that contained in the former edition. The principal change is in the part relative to the opinions of the city solicitors. The chronological list of these has been extended so as to give the authorship and date, when known, of each opinion, and supplemented by a digest which it is believed will serve a useful purpose for consultation in the absence of a printed collection of the opinions themselves.

SALEM, MARCH 31, 1896.

HARLAN P. KELLEY
MAR 6 1903
SALEM, MASS.

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CITY CHARTER

AND AMENDMENTS.

AN ACT ESTABLISHING THE CITY OF SALEM.

[1836, Ch. 42.]

SECTION.

1. Corporate name and general powers.
2. City government. City council to be sworn. Quorum of each board.
3. Division into six wards. Each ward to include an equal number of voters.
4. Warden and clerk. Absence of warden or clerk. Assistant wardens. Warden, clerk and assistants to be under oath. All warrants issued by mayor and aldermen.
5. Election of mayor and city council. Term of office.
6. Choice of mayor, aldermen and common council. Mode of election. Common councilmen elect to be notified. Adjournment of meeting. Examination of votes. Mayor to be notified of his election. Proceedings in case of failure to elect a mayor, or his refusal to accept. Vacancy in the office of mayor. Vacancies in the board of aldermen. Aldermen elect notified. Oath administered to mayor. Annual organization of city government. Oaths of office. Organization of common council. President of board of aldermen *pro tempore*. Authority of each board, as to election of its own members.
7. Mayor, the chief executive officer of the city. His powers and duties. May call special meetings, etc. Mayor to preside, etc. Compensation of mayor.
8. Powers of mayor and aldermen. City marshal, constables and other police officers appointed. Licenses. Powers of city council. Election of overseers of the poor, and other city officers. Sittings to be public. Accountability. Care and custody of city property. Power to purchase property. Annual financial statement to be published.
9. Mayor may nominate in certain cases of appointment to office. Proviso. Members of the city council not eligible to any other office. Proviso.
10. City clerk and his duties.
11. Assessors and their duties. Assistant assessors. Taxes. Proviso.
12. Laying out and widening of streets. Mayor and aldermen shall first act upon all questions relating to streets. Damages.
13. Board of health.
14. Representatives to General Court.
15. Election of federal, state and county officers. Examination and return of votes. Certificate of result. Proceedings in case whole number of representatives shall not be chosen.
16. Mayor and aldermen to make list of voters prior to every election. No person allowed to vote whose name is not on the list.
17. General meetings of citizens. To be called on requisition of thirty voters.
18. Division of the city into wards.
19. Form of organizing the city. Return of votes.
20. Powers of the city council as to by-laws and penalties. Proviso.
21. Police court to have cognizance of offences. Appeal from.
22. Annual town March meetings suspended.
23. Repealing clause.
24. Legislature may alter or amend the charter.
25. To be adopted by the citizens.

SECTION.

1837, CH. 4.

1. Wards altered. Assistant assessors.
2. Number of common councilmen. Proceedings when no choice is made.
3. Health commissioners.
4. Annual organization of city government.
5. Vacancies in board of aldermen and common council, how filled.
6. Repealing clause.
7. To be accepted by the citizens.

1839, CH. 46.

1. Power of city council to construct drains and sewers.
2. Mayor may vote in all cases of ballot in convention.
3. Payments to enginemen, etc.
4. Powers of city council to make by-laws for inspection of wood, etc.
5. To be accepted by the citizens.
6. Revised Statutes c. 3, § 5 not to apply to Salem. List of voters to be posted.

1855, CH. 289.

1. City council may divide city into four wards, and determine the number of councilmen.
2. When wardens and clerk are to be chosen.
3. Election of mayor, aldermen and common councilmen.
4. Organization of city government.
5. Polls opened and closed.
6. Inconsistent acts repealed.
7. To be accepted by the inhabitants.

1856, CH. 22.

1. Election of city and ward officers. Organization of city government.
2. When act takes effect.

1858, CH. 129.

1. Division into six wards. When councilmen not chosen or refuse to serve. When aldermen refuse to serve.
2. School committee, how elected. Proviso. Failure of election or refusal to serve. Vacancy by death, etc., how filled. Mayor, etc., to be members of school committee, and mayor to be chairman.
3. Inconsistent acts repealed.
4. To be accepted by the inhabitants.

SECTION.

1859, CH. 181.

1. Overseers of poor, their powers, etc.,
2. Overseers of poor, how to be elected. Vacancies, how filled.
3. Inconsistent acts repealed, and to be accepted by city council.

1863, CH. 120.

1. Warden, assistant wardens and clerk, how and when elected. Term of office
2. Duties of ward clerk.
3. Provisions in absence of warden and clerk. Absence of all the ward officers.
4. Inconsistent acts repealed. To be accepted by city council.

1874, CH. 136.

1. Annual election on the second Tuesday of December.
2. Organization of government on the first Monday of January.
3. Repeal.

1877, CH. 191.

1. Health commissioners may be appointed.
2. Assessors to be chosen for one, two and three years.
3. Election of ward officers.
4. Repeal.

1878, CH. 101.

1. Board of aldermen to consist of seven members.
2. To be accepted by city council.

1880, CH. 78.

1. Vacancy in the office of mayor. President of board of aldermen to act as mayor during vacancy.
2. To be accepted by city council.

1884, CH. 276.

1. Vacancies in school committee.
2. Repeal.

1895, CH. 422.

1. Overseers of the poor, city of Salem, powers and duties.
2. Election, terms, etc.
3. Repeal.

SECTION 1. The inhabitants of the town of Salem shall continue to be a body politic and corporate, under the name of the city of Salem, and as such, shall have, exercise and enjoy all the rights, immunities, powers and privileges, and shall be subject to all the duties and obligations, now incumbent upon and appertaining to said town as a municipal corporation.

Corporate name and general powers.

SECTION 2. The administration of all the fiscal, prudential and municipal affairs of said city, with the government thereof, shall be vested in one principal officer, to be styled the mayor, one council of six, to be denominated the board of aldermen, and one council of twenty-four, to be denominated the common council; which boards, in their joint capacity, shall be denominated the city council, and shall be sworn to the faithful performance of the duties of their respective offices. A majority of each board shall constitute a quorum for the transaction of business.

City government. 1878, c. 101. 1879, c. 134.

City council to be sworn. Quorum of each board.

SECTION 3. From and after the first Monday in March next, for the purpose of holding all elections, said city shall be divided into six wards, to contain, as nearly as conveniently may be, an equal number of inhabitants. And it shall be the duty of the city council, once in ten years, and not oftener, to revise and, if it be needful, to alter said wards in such manner as to preserve, as nearly as may be, an equal number of voters in each ward.

Division into six wards. 1837, c. 4, § 1. 1855, c. 289, § 1. 1858, c. 129, § 1.

Each ward to include an equal number of voters.

SECTION 4. On the Tuesday preceding the second Monday in March, annually, there shall be chosen by ballot, in

Warden and clerk. 1855, c. 289, § 2.

1863, c. 120. 1874, c. 136, § 1. 1877, c. 191, § 8.

each of said wards, a warden and clerk, who shall hold their offices for one year, and until others shall have been chosen in their places. And it shall be the duty of such warden to preside at all ward meetings, with the powers of moderators of town meetings. And if, at any meeting, the warden shall not be present, the clerk of such ward shall call the meeting to order, and preside until a warden *pro tempore* shall be chosen by ballot. And if at any meeting the clerk shall not be present, a clerk *pro tempore* shall be chosen by ballot. The clerk shall record all the proceedings and certify the votes given, and deliver over to his successor in office all such records and journals, together with all other documents and papers held by him in said capacity. The inhabitants of each ward shall choose by ballot two persons to assist the warden in receiving, sorting and counting the votes. And the warden, clerk and assistants so chosen, shall respectively be under oath, faithfully and impartially to discharge their several duties relative to all elections, which oath may be administered by any justice of the peace of said city. And all warrants for the meetings of the citizens for municipal purposes, to be had either in wards or in general meetings, shall be issued by the mayor and aldermen, and shall be in such form, and shall be served, executed and returned at such time, and in such manner, as the city council may, by any by-law, direct and appoint.

Absence of warden or clerk.

Assistant wardens.

Warden, clerk and assistants to be under oath.

All warrants issued by mayor and aldermen.

Election of the mayor and city council. 1837, c. 4, § 2. 1858, c. 129, § 1

SECTION 5. The mayor and aldermen shall be elected from the citizens at large, by the inhabitants of the city voting in their respective wards, and four common councilmen shall be elected from each ward, being residents in the wards

where elected; all said officers shall be elected by ballot, and shall hold their offices one year from the second Monday in March, and until others shall be elected in their places.

Term of office. 1874, c. 136, § 2.

SECTION 6. On the Tuesday next preceding the second Monday in March, annually, immediately after a warden and clerk shall have been elected and sworn, the qualified voters in each ward shall give in their votes for a mayor, six aldermen, and four common councilmen; all the votes given for the said several officers, respectively, shall be sorted, counted, declared and registered in open ward meeting, by causing the names of persons voted for, and the number of votes given for each, to be written in the ward record, in words at length. The ward clerk, within twenty-four hours after such election, shall deliver to the persons elected common councilmen, certificates of their election, and shall forthwith deliver to the city clerk a certified copy of the record of such election: *provided, however*, that if the choice of common councilmen cannot conveniently be effected on that day, the meeting may be adjourned to another day, not more than two days thereafter, to complete such elections. The board of aldermen shall, as soon as conveniently may be, examine the copies of the records of the several wards certified as aforesaid, and shall cause the person who shall have been elected mayor, by a majority of the votes given in all the wards, to be notified in writing of his election; but if it shall appear that no person shall have been so elected, or if the person elected shall refuse to accept the office, the said board shall issue their warrants for another election, and the

Choice of mayor, aldermen and common council. 1837, c. 4, § 2. 1855, c. 289, § 3. 1858, c. 129, § 1. 1874, c. 136, § 1. 1878, c. 101.

Mode of election.

Common councilmen elect to be notified.

Adjournment of meeting.

Examination of votes.

Mayor to be notified of his election.

Proceedings in case of failure to elect a mayor, or his refusal to accept.

same proceedings shall be had in all respects as are herein before directed for the choice of mayor, and repeated from time to time until a mayor shall be chosen; and in case of a vacancy in the office of mayor, by death, resignation or otherwise, it shall be filled for the remainder of the term, by a new election, in the manner herein before provided for the choice of said officer. And if it shall appear that the whole number of aldermen shall not have been elected, the same proceedings shall be had as are herein before directed in regard to the choice of mayor. And each alderman elected shall be notified in writing of his election, by the mayor and aldermen for the time being. The oath prescribed by this act shall be administered to the mayor by the city clerk, or any justice of the peace in said city. The aldermen and common councilmen elect shall, on the second Monday in March, at ten o'clock in the forenoon, meet in convention, when the oaths required by this act shall be administered to the members of the two boards present, by the mayor or any justice of the peace, and thereupon the two boards shall separate, and the board of common council shall be organized by the choice of a president and clerk. The board of aldermen may, in the absence of the mayor, choose a president *pro tempore*, who shall preside at joint meetings of the two boards. Each board shall keep a record of its proceedings, and judge the elections of its own members, and in case of failure of election, or of vacancy by death, resignation or otherwise, may order new elections.

Vacancy in the office of mayor. 1880, c. 78.

Vacancies in the board of aldermen. 1837, c. 4, § 5. 1858, c. 129, § 1.

Aldermen elect notified.

Oath administered to mayor.

Annual organization of the city government. 1837, c. 4, § 4. 1855, c. 239, § 4. 1874, c. 136, § 2.

Oaths of office.

Organization of the common council.

President of the board of aldermen *pro tempore*. 1880, c. 78.

Authority of each board as to election of its own members.

SECTION 7. The mayor, thus chosen and qualified, shall be the chief executive officer of said city. It shall be his duty

Mayor, the chief executive officer of

to be vigilant and active in causing the laws and regulations of the city to be executed and enforced, to exercise a general supervision over the conduct of all subordinate officers, and to cause their violation or neglect of duty to be punished. He may call special meetings of the board of aldermen and common council, or either of them, when, in his opinion, the interest of the city requires it, by causing a summons or notification to be left at the usual dwelling-place of each member of the board or boards to be convened. He shall, from time to time, communicate to both of them such information, and recommend such measures, as the business and interest of the city may, in his opinion, require. He shall preside in the board of aldermen and in joint meetings of the two boards, but shall have only a casting vote. He shall be compensated for his services by a salary, to be fixed by the city council, payable at stated periods, and shall receive therefor no other compensation; but such compensation shall not be increased nor diminished during his continuance in office.

the city.
His powers and duties.
May call special meetings, etc.
Mayor to preside, etc.
1839, c. 46, § 2.
1855, c. 129, § 2.
P. S. c. 28, § 7.
Compensation of mayor.

SECTION 8. The executive powers of said city generally, and the administration of police, with all the powers heretofore vested in the selectmen of Salem, shall be vested in the mayor and aldermen, as fully as if the same were herein specially enumerated. And the said mayor and aldermen shall have full and exclusive power to appoint a city marshal and assistants, and a constable or constables, and all other police officers; and may remove the same when in their opinion sufficient cause for removal exists. And the said mayor and aldermen shall have full and exclusive power to

Powers of mayor and aldermen.
P. S. c. 28, § 2.
City marshal, constables, and other police officers appointed.
P. S. c. 27, § 85.
P. S. c. 28, § 8.

Licenses.

grant licenses to innholders, victuallers and retailers, within said city, in as full and ample a manner as the mayor and aldermen of the city of Boston have authority to grant licenses in said city of Boston, by virtue of "an act for the due regulation of licensed houses." All other powers now vested in the inhabitants of said town, and all powers granted by this act, shall be vested in the mayor and aldermen and common council of said city, to be exercised by concurrent vote, each board to have a negative upon the other. But the city council shall annually, as soon after their organization as may be convenient, elect by joint ballot, in convention, the overseers of the poor, school committee, city treasurer and collector, fire wards, city clerk, assessors and assistant assessors, and shall, in such manner as said city council shall determine by any by-law made for the purpose, appoint or elect all subordinate officers, not herein otherwise directed, for the ensuing year, define their duties, and fix their compensations, in cases where such duties and compensations shall not be defined and fixed by the laws of this Commonwealth. All sittings of the common council shall be public, and all sittings of the mayor and aldermen, when they are not engaged in executive business. The city council shall take care that moneys shall not be paid from the treasury unless granted or appropriated; shall secure a just and prompt accountability, by requiring bonds with sufficient penalty and sureties, from all persons trusted with the receipt, custody or disbursement of money; shall have the care and superintendence of city buildings, and the custody and management of all city property with power to let or sell what may be legally let or sold except the

Powers of the city council.
P. S. c. 28, § 2.

Election of overseers of the poor and other city officers.
1837, c. 4, § 1.
1858, c. 129, § 2.
1859, c. 181.
1867, c. 323.
1895, c. 422

Sittings to be public.

Accountability.

Care and custody of city property.

common; and to purchase property, real or personal, in the name and for the use of the city, whenever its interest or convenience may in their judgment require it. And the city council shall, as often as once a year, cause to be published for the use of the inhabitants, a particular account of receipts and expenditures, and a schedule of city property.

Power to purchase property.

Annual financial statement to be published.

SECTION 9. In all cases in which appointments are directed to be made by the mayor and aldermen, the mayor shall have the exclusive power of nomination, such nomination, however, being subject to be confirmed or rejected by the board of aldermen: *provided*, *however*, that no person shall be eligible to any office, the salary of which is payable out of the city treasury, who, at the time of his appointment, shall be a member either of the board of aldermen or common council. And neither the mayor nor any alderman, or member of the common council, shall, at the same time, hold any other office under the city government:[1] *provided*, *however*, that the mayor and president of the common council shall be, *ex officio*, members of the school committee; *and provided*, *further*, that said mayor and aldermen, and one common councilman from each ward, shall be overseers of the poor, if said city council shall so determine.

Mayor may nominate in certain cases of appointments to office. 1879, c. 134. P. S. c. 28, § 5.

Proviso.

Members of the city council not eligible to any other office. Proviso. 1851, c. 70. P. S. c. 28, § 23.

SECTION 10. Said city council shall have power to choose a city clerk, who shall be clerk of the board of aldermen. He shall perform such duties as shall be prescribed by the

City clerk and his duties. P. S. c. 28, § 10 1895, c. 142.

[1] Chapter 19, Section 12, of the General Statutes, provides that the mayor, and any alderman or member of the common council of a city which shall adopt this section, may at the same time hold any other office under the city government to which he may be chosen, except one of emolument. The city council of Salem adopted the same March 23, 1880; see City Records, Vol. 11, p. 117. A similar statute, 1851, Chapter 70, Section 1, was adopted by the city council July 28, 1851; see City Records, Vol. 2, p. 276.

board of aldermen, and shall perform all duties, and exercise all the powers, by law incumbent upon or vested in the town clerk of the town of Salem.

Assessors and their duties. 1877, c. 191, § 2.

SECTION 11. The city assessors, who shall be annually chosen by the city council, shall exercise the same powers, and be subject to the same duties and liabilities, that the assessors in the several towns in the Commonwealth may exercise, or be subject to, under existing laws. And the

Assistant assessors. 1837, c. 4, § 1.

city council shall appoint two persons in each ward, whose duty it shall be to furnish the assessors with all necessary information relative to persons and property taxable in their several wards, and who shall be sworn to the faithful per-

Taxes.

formance of their duty. All taxes shall be assessed, apportioned and collected in the manner prescribed by the laws

Proviso.

of the Commonwealth: *provided, however*, that the city council may establish further or additional provisions for the collection thereof.

Laying out and widening of streets. 1853, c. 289. 1869, c. 186. 1872, c. 220. 1872, c. 373.

SECTION 12. The city council shall have exclusive authority and power to lay out any new street or town way, or widen or otherwise alter or discontinue any street or town way in said city, and to estimate the damages any individual may sustain thereby; and all questions relating to the subject of

Mayor and aldermen shall first act upon all questions relating to streets.

laying out, widening, altering or discontinuing any street, shall be first acted upon by the mayor and aldermen. And

Damages.

any person aggrieved by the decision or judgment of said city council may, so far as relates to damages, make complaint to the next meeting of county commissioners, in the county of Essex, who are hereby empowered to hear and

determine the same by a jury, or by a committee, if the parties agree, in the manner authorized by "an act to establish county commissioners, and to repeal the several acts establishing the courts of sessions, and in addition thereto, and the act establishing commissioners of highways," where a party claims greater damages than are awarded by said commissioners.

Board of health. Act June 21, 1799. Act June 16, 1800. 1837, c. 4, § 3. 1877, c. 191, § 1.

SECTION 13. All the power and authority, now by law vested in the board of health for the town of Salem, shall be transferred to, and vested in, said city council, to be carried into execution by the appointment of health commissioners, or in such other manner as the said city council may deem expedient.

Representatives to General Court. Art. 21. amdt. const.

SECTION 14. (S) [It shall be the duty of the city council, in the month of October, annually, to meet in convention, and determine the number of representatives to be sent to the General Court, by said city, in such year, and to publish such determination, which shall be conclusive, and the number thus determined shall be specified in the warrant calling a meeting for the election of representatives.]

Election of federal, state and county officers. 1839, c. 46, § 6. 1893, c. 417. 1894, c. 385.

SECTION 15. All elections for county, state, and United States officers, who are to be voted for by the people, shall be held at meetings of the citizens qualified to vote in such elections, in their respective wards, at the time fixed by law for those elections respectively. And at such meetings, all the votes given for said several officers, respectively, shall be sorted, counted, declared and registered in open ward meet-

ing, by causing the names of persons voted for, and the number of votes given for each, to be written in the ward record in words at length. The ward clerk shall forthwith deliver to the city clerk a certified copy of the record of such elections. The city clerk shall forthwith record such returns. And the mayor and aldermen shall, within two days after every such election, examine and compare all said returns, and make out a certificate of the result of such elections, to be signed by the mayor and a majority of the aldermen, and also by the city clerk, which shall be transmitted or delivered in the same manner as similar returns are by law directed to be made by the selectmen of towns, and such certificates and returns, shall have the same force and effect, as like returns of similar elections made by the selectmen of towns. And in all elections for representatives to the General Court, in case the whole number proposed to be elected shall not be chosen by a majority of the votes legally returned, the mayor and aldermen shall forthwith issue their warrant for a new election, and the same proceedings shall be had as are herein before directed, until the whole number shall be elected.

Examination and return of votes.

Certificate of result.

Proceedings in case whole number of representatives shall not be chosen.

Mayor and aldermen to make list of voters prior to every election.

SECTION 16. Prior to every election, the said mayor and aldermen shall make out lists of all the citizens of each ward, qualified to vote in such elections, in the manner in which selectmen and assessors of towns are required to make out lists of voters, and for that purpose they shall have full access to the assessors' books and be entitled to the aid and assistance of all assessors, assistant assessors and other officers of said city, and they shall deliver said lists, so

prepared and corrected, to the clerk of said ward, to be used at such elections, and no person shall be entitled to vote, whose name is not borne on such list. And to prevent fraud and mistake, a mark shall be placed against the name of each voter on such list at the time of giving his vote.

No person allowed to vote whose name is not on the list.

SECTION 17. General meetings of the citizens qualified to vote may from time to time be held, to consult upon the public good, to instruct their representatives, and to take all lawful measures to obtain redress of any grievances, according to the right secured to the people by the Constitution of this Commonwealth, and such meetings may and shall be duly warned by the mayor and aldermen, upon the requisition of thirty qualified voters of said city.

General meetings of citizens.

To be called on requisition of thirty voters.

SECTION 18. It shall be the duty of the city council, seasonably before the Tuesday next preceding the second Monday in March next, to cause a division of said city to be made into six wards in such a manner as to include, as nearly as conveniently may be, with well defined limits to each ward, an equal number of inhabitants in each ward. And the present division of said town into wards shall continue, and all ward meetings, and all elections shall be held in them, until the meetings for the election of city officers in March next.

Division of the city into wards.
1837, c. 4, § 1.
1855, c. 289, § 1.
1858, c. 129, § 1.
1893, c. 417, § 96

SECTION 19. For the purpose of organizing the system of government, hereby established, and putting the same into operation in the first instance, the selectmen of the town for the time being shall, seasonably, before the fourth Monday

Form of organizing the city.

in April next, issue their warrants for calling meetings of the said citizens, at such place and hour as they shall deem expedient, for the purpose of choosing a warden and clerk for each ward, and also to give in their votes for a mayor and six aldermen, to be taken from the city at large, and six common councilmen for each ward, and the transcripts of the records of each ward, specifying the votes given for a mayor, six aldermen, and six common councilmen, certified by the warden and clerk of each ward, shall at said first election be returned to the said selectmen, whose duty it shall be to examine and compare the same. And in case said elections should not be completed at the first election, then to issue a new warrant until such elections shall be completed, and to give notice thereof in the manner herein before directed, to the several persons elected. And at said first meeting any inhabitant of said ward, being a legal voter, may call the citizens to order, and preside until a warden shall have been chosen. And at said first meeting, a list of voters in each ward, prepared and corrected by the selectmen of the town of Salem, for the time being, shall be delivered to the clerk of each ward, when elected, to be used as herein before directed. And it shall be the duty of the city council, immediately after their first organization, to elect all necessary city officers, who shall hold their offices respectively until the second Monday in March then next, and until others are chosen. And the meetings in March next, for the election of ward and city officers, shall be called by said mayor and aldermen at such time and places, and in such manner as they shall direct. And at the said first meeting, the said inhabitants may and shall also give in their votes for county

Return of votes.

officers, which votes shall be recorded, certified and returned, in the manner provided in the fifteenth section of this act.

SECTION 20. The city council shall have power to make all such salutary and needful by-laws, as towns by the laws of this Commonwealth have power to make and establish, and to annex penalties, not exceeding twenty dollars, for the breach thereof, which by-laws shall take effect and be in force from and after the time therein respectively limited, without the sanction of any court, or other authority whatever: *provided, however*, that all laws and regulations now in force, in said town of Salem, shall, notwithstanding this act, be and remain in force, until they shall expire by their own limitation, or be revised or repealed by the city council, and all fines and forfeitures for the breach of any by-law shall be paid into the city treasury.

Powers of the city council as to by-laws and penalties. P. S. c. 3, § 8.

Proviso.

SECTION 21. The police court of the town of Salem, in addition to its present powers and jurisdiction, which are hereby continued to it, shall have cognizance of all offences against the by-laws and regulations which may be established by the city council of the city of Salem, and may, on conviction thereof, award such sentence as to law and justice may appertain. And any person aggrieved by such sentence may appeal therefrom to the court of common pleas for the county of Essex, under the restrictions and conditions provided by law in other cases of appeal from said court.

Police court to have cognizance of offences.

Appeal from.

SECTION 22. The annual town meetings in the month of March or April shall be suspended, and all town officers

Annual town March meetings suspended.

now in office shall hold their places until this act shall go into operation, or until fourteen days after the same shall have been rejected by the inhabitants of said town; and in case said charter should be rejected by said inhabitants, the selectmen shall have authority, within fourteen days after such rejection, to call a meeting of said inhabitants, for the choice of town and county officers.

Repealing clause.

SECTION 23. All such acts and parts of acts as come within the purview of this act, and are inconsistent with, or repugnant to, the provisions of this act, shall be, and the same are hereby repealed.

Legislature may alter or amend the charter.

SECTION 24. Nothing in this act contained shall be so construed as to prevent the legislature from altering or amending the same, whenever they shall deem it expedient.

To be adopted by the citizens. [Adopted April 4, 1836. Town Records from 1831 to 1836, p. 149.]

SECTION 25. This act, except the twenty-second section, shall be void, unless the inhabitants of the town of Salem, at a legal town meeting called for that purpose, shall, by a written vote, determine to adopt the same within fourteen days.

AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT INCORPORATING THE CITY OF SALEM."

[1837, Ch. 4.]

Wards altered. 1836, c. 42, § 3 and 18. 1855, c. 289, § 1. 1858, c. 129, § 1. 1865, c. 7.

SECTION 1. The city of Salem shall be divided into four wards, and the city council shall elect annually one or more assistant assessors in each ward.

Assistant assessors. 1836, c. 42, § 8 and 11.

SECTION 2. Six common councilmen shall be annually elected in each ward; and wherever it shall so happen that the whole number of common councilmen shall not be chosen at the meeting or meetings now provided for, the same proceedings shall be had, as are provided with reference to the choice of mayor.

Number of common councilmen. 1836, c. 42, § 5 and 6. 1858, c. 129, § 1. Proceedings when no choice is made.

SECTION 3. The city council may elect health commissioners from either or both branches of said city council.

Health commissioners. 1836, c. 42, § 13. 1877, c. 191, § 1.

SECTION 4. The annual organization of the city government shall take place on the fourth Monday in March; and the present officers shall hold their offices until others shall be chosen and qualified in their stead.

Annual organization of city government. 1836, c. 42, § 6. 1855, c. 289, § 4. 1874, c. 136, § 2.

SECTION 5. In case of the death or resignation of any member of the board of aldermen, or of the common council, such vacancy may be filled at any regular meeting of the inhabitants of said city, called for that purpose.

Vacancies in board of aldermen and common council, how filled. 1836, c. 42, § 6. 1858, c. 129. § 1.

SECTION 6. All the provisions of the act, to which this is in addition, inconsistent with the provisions of this act, are hereby repealed.

Repealing clause.

SECTION 7. This act shall be void, unless the inhabitants of said city, at a general meeting called for that purpose, shall by written votes accept the same within twenty days from its passage.

To be accepted by the citizens. [Accepted, Feb. 20, 1837. City Records, Vol. 1, p. 66.]

AN ACT IN ADDITION TO AN ACT INCORPORATING THE CITY OF SALEM.

[1839, Ch. 46.]

Power of city council to construct drains and sewers.

SECTION 1. The city council shall have authority to cause drains and common sewers to be laid down through any streets or private lands, paying the owners thereof such damage as they may sustain thereby, and to require all persons to pay a reasonable sum for the privilege of opening any drain into said public drain or common sewer.

Mayor may vote in all cases of ballot in convention. 1836, c. 42, § 7.

SECTION 2. In all cases of ballot in convention of the two boards of the city council, the mayor may vote.

Payments to enginemen, etc. R. S. 18, § 19. 1867, c. 323.

SECTION 3. The nineteenth section of the eighteenth chapter of the Revised Statutes, shall be so far modified in respect to the city of Salem, as that the account of payments from the city treasury to enginemen and members of the fire department may be kept and settled for the year, ending the first day of April instead of May.

Powers of city council to make by-laws for inspection of wood, etc. P. S. c. 60, §§ 72–88.

SECTION 4. The city council may make by-laws with suitable penalties for the inspection, survey, admeasurement and sale of wood, coal, and bark for fuel brought by water into the city for sale, and may provide for the appointment of surveyors, inspectors and other officers, and establish their fees of office.

To be accepted by the citizens.

SECTION 5. This act shall be void, unless the inhabitants of said city, at a general meeting called for that purpose,

shall by written votes accept the same within twenty days from its passage. [Accepted March 28, 1839. City Records, Vol. I, p. 176.]

SECTION 6. The fifth section of the third chapter of the Revised Statutes shall not be construed as binding upon the city of Salem; but in lieu thereof, the mayor and aldermen shall, at least seven days before every election, cause a list of all the voters, arranged in their respective wards, to be posted up in the city hall, or in some other public place within the city. Rev. Stat. c. 3, § 5, not to apply to city of Salem. List of voters to be posted. 1836, c. 42, § 15 and 16. [Superseded. See 1893, c. 417 § 62 and 65.]

AN ACT IN ADDITION TO AN ACT ESTABLISHING THE CITY OF SALEM.

[1855, Ch. 289.]

SECTION 1. For the purpose of holding all elections, the city council of the city of Salem shall be authorized to divide the city into four or more wards, and shall determine the number of common councilmen to be elected in each ward: *provided*, that the whole number of common councilmen shall not exceed twenty-four. City council may divide city into four wards and determine the number of councilmen. 1836, c. 42, § 3 and 18. 1837, c. 4, § 1. 1858, c. 129, § 1. 1893, c. 417, § 96.

SECTION 2. On the first Monday of January, annually, there shall be chosen by ballot, in each of the wards, a warden, two assistant wardens, and a clerk, who shall hold their offices for one year, and until others shall have been chosen and qualified in their places. When wardens and clerk are to be chosen. 1836, c. 42, § 4. 1856, c. 22. 1863, c. 120. 1877, c. 191, § 3. [Superseded. 1893, c. 417, § 106.]

SECTION 3. On the first Monday in January, annually, immediately after the warden, two assistant wardens and clerk shall have been elected, the qualified voters in each Election of mayor, aldermen, and common councilmen.

1836, c. 42, § 6. 1878, c. 101.

ward shall give in their votes for a mayor, six aldermen, and such a number of common councilmen in each ward as the city council may determine.

Organization of city government. 1836, c. 42, § 6. 1837, c. 4, § 4.

SECTION 4. The annual organization of the city government shall take place on the fourth Monday in January. 1856, c. 22. 1874, c. 136, § 2.

Polls opened and closed. 1893, c. 417, §§147, 148.

SECTION 5. In all elections the mayor and aldermen may fix the time when the polls shall be opened and closed.

Inconsistent acts repealed.

SECTION 6. All acts and parts of acts as are inconsistent with the provisions of this act, are hereby repealed.

To be accepted by the inhabitants. [Accepted Feb. 28, 1856. City Records, Vol. 3, p. 188.]

SECTION 7. This act shall be void unless the legal voters of said city, at a general meeting called for that purpose, shall vote to accept the same within twelve months from its passage.

AN ACT IN FURTHER ADDITION TO AN ACT ESTABLISHING THE CITY OF SALEM.

[1856, Ch. 22.]

Election of city and ward officers. 1855, c. 289.

SECTION 1. The acceptance, by the legal voters of the city of Salem, of an act entitled "An Act in addition to an Act establishing the city of Salem," approved by the governor on the third day of May, in the year one thousand eight hundred and fifty-five, shall not prevent the holding of elections for the choice of city and ward officers in and for said city of Salem, on the Tuesday next preceding the second Monday of March in the present year, nor the organization of the government of said city of Salem on the fourth Monday of March in the present year, in the manner now provided by law.

Organization of city government.

SECTION 2. This act shall take effect from and after its passage. When act takes effect.

AN ACT IN ADDITION TO AN ACT ESTABLISHING THE CITY OF SALEM.

[1858, Ch. 129.]

SECTION 1. The present division of the city of Salem, into six wards shall remain until otherwise authorized by law, and four common councilmen shall be annually elected in each ward; and whenever it shall so happen that the whole number of common councilmen shall not be chosen at the meeting or meetings now provided for, or if such persons, or any of them elected as common councilmen shall refuse to serve, they shall, if the common council to which they are elected is not then organized, communicate such refusal in writing to the city clerk; and the mayor and aldermen shall thereupon, as soon as may be, issue a warrant for a new election to fill the places of such persons refusing to serve; and if the common council, to which such persons are elected, shall have been organized, such persons refusing to serve shall communicate their refusal in writing to the president of the common council; and the mayor and aldermen, on being notified by the common council of such vacancy, shall thereupon, as soon as may be, issue a warrant for a new election to fill such places; and if an alderman chosen at any election shall refuse to serve, he shall notify the mayor and aldermen of such refusal, in writing, and the mayor and aldermen shall thereupon, as soon as may be, issue their warrant for a new election to fill the place of such aldermen refusing to serve.

Division into six wards. 1836, c. 42, § 3 and 18. 1837, c. 4, § 1. 1855, c. 289, § 1. 1865, c. 7.

When councilmen not chosen or refuse to serve. 1836, c. 42, § 5 and 6. 1837, c. 4, §§ 2 and 5.

When aldermen refuse to serve. 1836, c. 42, § 6. 1837, c. 4, § 5.

School committee, how elected. 1836, c. 42, § 8. 1874, c. 136, § 2. P. S. c. 44, § 21. 1884, c. 276.

SECTION 2. The school committee shall consist of twenty, three of whom shall be elected by the legal voters of each ward, in manner as follows:—at the next annual municipal election, each ward shall elect three school committee men, one of whom shall serve three years, one two years, and one one year; the time for which each one is to serve shall be specified on the ballot, against the name of the person voted for at the first annual municipal election after this act shall go into effect: *provided*, *however*, if at any time it shall appear, on counting the votes, that any two or more of the committee shall be designated for the same term, then the person having the highest number of votes for the office shall be considered as elected for the longer term; and in each succeeding year, at the annual municipal election, each ward shall elect one school committee man, who shall serve three years; and the ward clerk shall, within twenty-four hours, deliver to each person so chosen a certificate of his election, and shall forthwith deliver to the city clerk a certified copy of the record of the election; and if it shall happen that there is a failure of an election, or if the person or persons so elected shall refuse to serve, such person or persons refusing to serve shall communicate in writing his refusal to the city clerk; and the mayor and aldermen shall thereupon, as soon as may be, issue a warrant for a new election; [and if there shall be a vacancy in such committee, by reason of the death, resignation or removal from the city, or otherwise, of any member of the school committee, the mayor and aldermen shall thereupon issue their warrant for an election, to be held in the ward where such vacancy occurs, to fill the

Proviso.

P. S. c. 44, § 25.

Failure of election or refusal to serve.

Vacancy by death, etc., how filled. [Repealed; see 1884, c. 276.]

remainder of the time which such member had to serve.] The mayor and the president of the common council shall be members, *ex officiis*, of the school committee, and the mayor shall be chairman of the board. Such school committee shall have the same powers and perform the same duties as they now have and perform by law.

Mayor, etc., to be members of school committee. Mayor to be chairman. 1836, c. 42, § 7.

SECTION 3. All the provisions of an act establishing the city of Salem, and of the acts additional thereto, inconsistent with the provisions of this act, are hereby repealed.

Inconsistent acts repealed.

SECTION 4. This act shall take effect at the next annual municipal election, after it shall have been accepted by written votes by the inhabitants of said city, at a general meeting called for that purpose, and shall have no effect until it shall be so accepted.

To be accepted by the inhabitants. [Accepted Nov. 8, 1858. City Records, Vol. 3, p. 314.]

AN ACT IN ADDITION TO AN ACT ESTABLISHING THE CITY OF SALEM.

[1859, Ch. 181.]

SECTION 1.—[The board of overseers of the poor of the city of Salem shall consist of twelve persons, two from each ward, together with the mayor, who shall be, *ex officio*, a member of and chairman of said board; and said board shall have all the powers, and be subject to all the duties and liabilities, provided by law.

Overseers of poor, their powers, etc. 1836, c. 42, § 8. [This act repealed by 1895, c. 422.]

SECTION 2. At the commencement of the next municipal year, the city council of said city shall elect one-half of said

Overseers of poor, how to be elected.

board, one from each ward, for the term of one year, and one half, one from each ward, for the term of two years; and the said council shall, after said first election, annually, elect one-half of said board, one from each ward, for the term of two years. Vacancies may be filled in said board by said council; and the person elected to fill any vacancy shall hold office during the term for which his predecessor was elected.

Vacancies, how filled.

Inconsistent acts repealed. To be accepted by city council. [Accepted Oct. 10, 1859. City Records, Vol. 4, p. 3.]

SECTION 3. All the provisions of an act establishing the city of Salem, and the acts additional thereto, inconsistent herewith, are hereby repealed. This act shall take effect after the next annual municipal election: *provided*, it shall be accepted by the city council of said city.]

AN ACT IN ADDITION TO AN ACT ESTABLISHING THE CITY OF SALEM.

[1863, Ch. 120.]

Warden, assistant wardens and clerk, how and when elected. 1836, c. 42, § 4. 1855, c. 289, § 2. 1856, c. 22. 1877, c. 191, § 3. [Superseded, 1893, c. 417, § 106.] Term of office.

SECTION 1. On the first Monday of January, annually, there shall be chosen by ballot, in each of the wards of the city of Salem, a warden, two assistant wardens and a clerk; who shall be qualified as soon after the day of said election as may be, and shall enter upon the duties of their respective offices on the fourth Monday of January, and hold their offices for the term of one year thereafter, and until others shall have been chosen and qualified in their places.

Duties of ward clerk. 1877, c. 191, § 3.

SECTION 2. The ward clerk, within twenty-four hours after the day of such election, shall deliver, to the persons elected as warden, assistant wardens and clerk, certificates of

their election, and shall forthwith give to the city clerk a certified copy of the record of such election.

SECTION 3. If at any ward meeting in either of the wards, both the warden and clerk shall be absent, either of the assistant wardens may call the meeting to order, and preside until a warden *pro tempore* shall be chosen; and in case of the absence of all of said officers, the constable who returns the warrant to said meeting, may call the meeting to order and preside until a warden *pro tempore* shall be chosen by ballot; and whenever any ward officer may be absent, or neglect, or refuse to perform his duties, his office shall be filled *pro tempore* by ballot.

Provision in absence of warden and clerk.

Absence of all ward officers.

SECTION 4. All the provisions of any act establishing the city of Salem, and the acts additional thereto, inconsistent herewith, are hereby repealed. This act shall take effect upon its acceptance by the city council of said city.

Inconsistent acts repealed. To be accepted by city council. [Accepted May 11, 1863. City Records, Vol. 4, p. 217.]

AN ACT IN ADDITION TO AN ACT ESTABLISHING THE CITY OF SALEM.

[1874, Ch. 136.]

SECTION 1. The annual election in the city of Salem, heretofore held on the first Monday of January, shall, in future, be held on the second Tuesday of December.

Annual election on the second Tuesday of December. 1836, c. 42, § 6.

SECTION 2. The annual organization of the city government shall take place on the first Monday of January, and that of the school committee as soon thereafter as may be practicable.

Organization of government on the first Monday of January. 1836, c. 42, § 5 and 6.

1837, c. 4, § 4. 1855, c. 289, § 4. 1858, c. 129, § 2.

Repeal.

SECTION 3. All the provisions of an act establishing the city of Salem, and the acts in addition thereto, inconsistent herewith, are repealed.

AN ACT IN ADDITION TO AN ACT ESTABLISHING THE CITY OF SALEM.

[1877, Ch. 191.]

Health commissioners may be appointed.
Stat. June 21, 1799.
Stat. June 16, 1800.
1836, c. 42, § 13.
1837, c. 4, § 3.

SECTION 1. All the power and authority now by law vested in the city council of the city of Salem or in the mayor and aldermen thereof, relative to the public health and quarantine of vessels, shall continue to be vested in said city council to be carried into execution by the appointment of one or more health commissioners; or in such other manner as the health, cleanliness, comfort and order of the city may in their judgment require, subject to such alteration as the legislature may from time to time adopt. The powers and duties above named may be exercised and carried into effect by the city council themselves, or by any persons outside of their own body whom they may appoint as a board of health, with or without compensation as said city council may determine; and the city council may constitute either branch, or any committee of their number, whether joint or separate, the board of health for all or for particular purposes.

Assessors to be chosen for one two and three years.
1836, c. 42, § 11.

SECTION 2. Section eleven of chapter forty-two of the acts of the year eighteen hundred and thirty-six is so far amended that the city council of the city of Salem, in the month of January in the year eighteen hundred and seventy-eight, shall choose in convention three assessors, one of whom

shall be chosen to serve for one year, one for two years and one for three years, and thereafter in the month of January of each year they shall choose one assessor to serve for the term of three years; and in case any vacancy shall occur the city council shall fill such vacancy by choosing a person to serve for the remainder of the term.

Election of ward officers. 1838, c. 42, § 4. 1863, c. 120, § 2.

SECTION 3. Sections fifty-one and fifty-two of chapter three hundred and seventy-six of the acts of the year eighteen hundred and seventy-four shall apply to the election of ward officers in the city of Salem, any thing in the charter of said city or in any act in amendment thereof to the contrary notwithstanding.

Repeal.

SECTION 4. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

AN ACT IN ADDITION TO AN ACT ESTABLISHING THE CITY OF SALEM.

[1878, Ch. 101.]

Board of aldermen to consist of seven members. 1838, c. 42, § 2 and 6. 1855, c. 289, § 3.

SECTION 1. The board of aldermen of the city of Salem shall consist of seven members; and at any time after the acceptance of this act in the manner hereinafter provided, the board of aldermen of said city may issue a warrant for the election of one additional member of said board, to serve until the expiration of the present municipal year, in the manner now provided by law in the case of vacancies occurring in said board; and at the next annual election for municipal officers there shall be chosen seven members of said board.

Subject to acceptance by a two-thirds vote of the city council. [Accepted April 12, 1878. City Records, Vol. 10, p. 98.]

SECTION 2. This act shall take effect upon its acceptance by a two-thirds vote of each branch of the city council, but shall be void unless so accepted within sixty days from its passage.

AN ACT IN ADDITION TO AN ACT ESTABLISHING THE CITY OF SALEM.

[1880, Ch. 78.]

Vacancy in the office of mayor. 1836, c. 42, § 6.

SECTION 1. Whenever in consequence of the death or resignation of the mayor or from any other cause, the office shall have become vacant, and the board of aldermen and common council shall each have declared by vote that the office is vacant, the board of aldermen shall issue warrants for the election of a mayor for the remainder of the term for which the last mayor was elected, unless the board of aldermen and common council shall each have declared by vote that it is inexpedient so to do; and the same proceedings shall be had as are provided by law for a choice of a mayor by the inhabitants. Until such vacancy is filled as aforesaid, and whenever the mayor from absence, illness, or other temporary disability cannot perform the duties of the office, and such vacancy or disability has been declared by the board of aldermen to exist, the president of the board of aldermen shall exercise the powers and perform the duties of mayor as long as such vacancy or disability continues; but while so acting he shall not vote except when the other members of the board present and voting on any question shall be equally divided.

President of board of aldermen to act as mayor, during vacancy. 1836, c. 42, § 6.

[Accepted Mar. 23, 1880. City Records, Vol. 11, p. 118.]

SECTION 2. This act shall take effect upon its acceptance by the city council of said city of Salem.

AN ACT TO PROVIDE FOR THE FILLING OF VACANCIES IN THE SCHOOL COMMITTEE OF THE CITY OF SALEM.

[1884, Ch. 276.]

SECTION 1. The provisions of sections twenty-two, twenty-three and twenty-four of chapter forty-four of the Public Statutes shall apply to vacancies occurring in the school committee of the city of Salem.

Vacancies in school committee. 1858, c. 129, § 3.

SECTION 2. So much of chapter one hundred and twenty-nine of the acts of the year one thousand eight hundred and fifty-eight as provides for the filling of vacancies in the school committee in the city of Salem is repealed.

Repeal.

SECTION 3. This act shall take effect upon its passage.

Approved May 27, 1884.

AN ACT RELATIVE TO THE BOARD OF OVERSEERS OF THE POOR OF THE CITY OF SALEM.

[1895, Ch. 422.]

SECTION 1. The board of overseers of the poor of the city of Salem shall consist of five persons, together with the mayor who shall be ex-officio a member of and chairman of said board; and said board shall have all the powers and be subject to all the duties and liabilities provided by law.

Overseers of the poor, city of Salem, powers and duties. 1836, c. 42, § 8. 1859, c. 181.

SECTION 2. In the month of September in the year eighteen hundred and ninety-five the city council of said city shall elect by concurrent vote of both branches thereof three members of said board, one to serve until the first Monday of February in the year eighteen hundred and ninety-six, one to serve until the first Monday of February in the year

Election, terms, etc.

eighteen hundred and ninety-seven and one to serve until the first Monday of February in the year eighteen hundred and ninety-eight, and until their successors are elected and qualified, and one member of each branch of said city council to serve as a member of said board for the remainder of the term for which he was elected to said city council and until his successor in said office of overseer is elected and qualified; and thereafter said city council shall annually, in the month of January, by concurrent vote, elect one member of said board for the term of three years from the first Monday of February in the year in which he is chosen; said members so elected, with the mayor and one member of the board of aldermen and one member of the common council elected in January in each year by concurrent vote of both branches of the city council to serve until the expiration of the term for which he was elected to said city council and until his successor in said office of overseer is elected and qualified, shall constitute the board of overseers of the poor of the city of Salem.

Repeal.

SECTION 3. Chapter one hundred and eighty-one of the acts of the year eighteen hundred and fifty-nine is hereby repealed.

SECTION 4. This act shall take effect upon its passage.

Approved May 29, 1895.

HARLAN P. KELSEY,
MAR 6 1903
SALEM, MASS.

REVISED ORDINANCES

OF THE

CITY OF SALEM,

1895.

CITY ORDINANCES.

CHAPTER I.

AN ORDINANCE IN RELATION TO THE ASSESSORS AND ASSISTANT ASSESSORS.

SECTION.

1. Election of assessors. Organization and quorum. Powers and duties.
2. Taxes on banks and other corporations. Duties of secretary. Pay and service of assistant assessors.
3. Assessment and collection of taxes.
4. List of dogs. List of persons liable to enrolment in militia.
5. Assessment districts.
6. Abatement of taxes. Taxes assessed and re-assessed, and abatements, to be certified.
7. Office hours.
8. Election of assistant assessors. Duties of assistant assessors.
9. Oath of office.
10. Compensation.

SECTION 1. The board of assessors shall consist of three persons, one of whom shall be elected by the city council annually, in the month of January, by joint ballot in convention, for the term of three years, commencing on the first day of February in the year in which he is elected; and in case any vacancy shall occur, the city council shall fill such vacancy by electing a person in the same manner, to serve for the remainder of the term. They shall exercise the same powers, and be subject to the same duties and liabilities, that the assessors in the several

Election of assessors. 1836, c. 42, §§ 8 and 11. 1877, c. 191, § 2. P. S. 27, §§ 78, 80.

Powers and duties. 1836, c. 42, § 11.

towns in this Commonwealth may exercise, or be subject to, under existing laws. The assessors shall annually in the month of February, meet and organize, by the choice of a chairman and a secretary from among their own number, and a majority of the board shall constitute a quorum for the transaction of business.

Organization and quorum.

Taxes on banks and other corporations.

SECTION 2. The chairman of said board shall, by an examination of the returns and records in the office of the tax commissioner, and by all proper methods, see that the city obtains its share of taxes on national banks and other corporations. The secretary shall carefully preserve all books, records and papers belonging to the assessors department, shall keep a record of the doings of the board, and the number of days that the assistant assessors severally devote to the service of the city; and said assistants shall severally receive pay only for such number of days' service of nine hours each as shall be certified by the chairman of said board.

Duties of secretary.

Pay and service of assistant assessors.

Assessment and collection of taxes. 1836, c. 42, § 11 P. S. 11. 1885, c. 355, § 3.

SECTION 3. All taxes shall be assessed, apportioned and collected in the manner prescribed by the laws of this Commonwealth; *provided, however*, that the city council may establish further or additional provisions for the collection thereof. The assessors shall annually complete the list of all taxes assessed,

and commit the same with their warrant, to the city collector on or before the first day of September, and on the first day of every succeeding month they shall commit to said collector lists of all additional or supplementary assessments made during the preceding month, together with warrants for their collection. P. S. 11, §§ 61-64 1888, c. 390, § 6.

SECTION 4. The assessors shall annually, take a list of all dogs owned or kept in the city, and make a list of persons living within the city limits liable to enrolment in the militia, and return both said lists to the city clerk as required by law. List of dogs. P. S. 102, § 89. List of persons liable to enrolment in militia. 1887, c. 411, §§ 7, 8.

SECTION 5. The assessors may in any year divide any ward into convenient assessment districts. Assessment districts. 1889, c 115, § 1.

SECTION 6. All abatements of taxes shall be made at a legal meeting of the assessors, and shall be recorded in a book kept for that purpose. Said record shall contain the name of each person whose tax is abated, the amount of his tax as originally assessed, the amount abated, and the reasons for such abatement. The assessors shall, at the time of abatement, certify to the city collector a true copy of the record thereof. They shall annually, on or before the fifteenth day of December, certify to the city auditor the total amount of taxes assessed and Abatement of taxes. Taxes assessed and re-assessed, and

abatements, to be certified

reassessed for the current year, and the total amount of abatements made during that year on each year's taxes.

Office hours.

SECTION 7. The office of the assessors shall be open on all business days from the fifteenth of April to the first of November, from 9 o'clock A. M. to 1 P. M., and from 2 1-2 o'clock to 5 o'clock P. M., except when the assessors are elsewhere necessarily employed in the discharge of their duties. From the first of November to the fifteenth of April, the office shall be open on all business days, from 10 o'clock A. M. to 1 P. M., and one assessor only shall be required to be in attendance, and on every Wednesday from 2 1-2 o'clock P. M. to 5 P. M., when the whole board shall be present. The office shall also be open during the hours that the registrars of voters hold sessions for the registration of voters.

Election of assistant assessors.
1836, c. 42, §§ 8 and 11.
1837, c. 4, § 1.
P. S. 27, §§ 78, 80, 98.

SECTION 8. In the month of January in each year, there shall be elected by the city council by joint ballot in convention, two assistant assessors from each ward, who shall hold office for one year from the first day of February in the year in which they are elected; and vacancies shall be filled by the city council, in the same manner, for the remainder of the term.

Duties of assistant assessors.

Assistant assessors shall in their respective wards assist the assessors in taking a list of the

ratable polls, and in estimating the value of the real and personal estate in said wards, and perform such other duties connected with the assessment of taxes, as the board of assessors may require; and each assistant assessor shall be employed for such time as said board shall deem necessary.

P. S. 27, §§ 103, 104. 1885, c. 355, § 3.

SECTION 9. Every assessor and assistant assessor, shall before entering upon the duties of his office take an oath which shall be in substance as follows: —"I, having been chosen to assess taxes and estimate the value of property for the purpose of taxation for the city of Salem, for the year (or years) ensuing, do swear that I will truly and impartially, according to my best skill and judgment, assess and apportion all such taxes as I may during that time assess, that I will neither overvalue nor undervalue any property subject to taxation, and that I will faithfully discharge all the duties of said office. So help me God."

Oath of office. 1836, c. 42, § 11. P. S, 27, §§ 79, 103, 104. 1885, c. 355, §§ 1, 2.

SECTION 10. The assessors and assistant assessors shall receive for their services such compensation as the city council may determine.

Compensation. P. S. 11, § 96.

CHAPTER II.

AN ORDINANCE RELATING TO DRAW-BRIDGES.

SECTION.
1. Superintendents to be appointed. Compensation
2. Duties of superintendents.
3. Directions for opening draw.
4. Superintendent to control passage of vessels and to enforce ordinance.
5. Owners of vessels liable for injuries to bridge.
6. Superintendent may remove vessel obstructing draw.
7. Penalty.
8. Superintendent to make annual report.
9. Copy of ordinance to be posted.

Superintendents to be appointed. P.S. 53, §§ 28–32

SECTION 1. The mayor and aldermen shall annually, in the month of March, appoint a superintendent of the Union bridge, and a superintendent of the Essex bridge. Each superintendent shall continue in office for one year from the first day of April, in the year in which he is appointed, and until his successor is appointed, but may be removed at any time by the mayor and aldermen. Vacancies may be filled at any time by the mayor and aldermen for the remainder of the term. Each superintendent shall receive such compensation for his services as the board of aldermen may determine.

Compensation.

Duties of superintendents.

SECTION 2. Each superintendent shall, subject to the direction of the board of aldermen, have charge of the bridge of which he is superintendent; shall cause the draw thereof to be opened at all times (day or night) when required, for the passage

of vessels, and to be closed forthwith after such passage, not permitting more than one vessel to pass at any one opening of the draw, unless the bridge shall be free from passengers, in which case he may use his discretion as to the number of vessels to be permitted to pass, prior to the closing of the draw; and each superintendent under said direction shall take care of said bridge, the piers, and all other parts thereof, and all the appurtenances thereto, see that they are at all times in a safe and satisfactory condition, and free from all obstructions, and that the railing and planks are in good order; and shall keep the snow and ice removed from the sidewalks.

P.S. 113, §§ 32, 34, 35.

SECTION 3. No draw shall be opened for the passage of a vessel, if in the opinion of the superintendent, the vessel cannot pass through without grounding; nor if the superintendent shall so direct until the vessel is made fast to one of the piers at said draw, with a sufficient warp or warps passed through the same.

Directions for opening draw

SECTION 4. Each superintendent shall have full control of the passing of all vessels through the draw of the bridge of which he is superintendent, shall furnish all facilities for such passing, shall allow no detention, having due regard for the public

Superintendent to control passage of vessels and to enforce ordinance P. S. 53, § 30.

travel, and shall enforce the provisions of this ordinance.

Owners of vessels liable for injuries to bridge. P. S. 53, § 31.

SECTION 5. If a vessel, through the negligence of the persons having charge of her, or through their neglect to comply with this ordinance, or disregard of the directions of the superintendent, injures a bridge or draw or a pier or wharf connected therewith, the owner or owners of such vessel shall be liable for such damage, to be recovered by the city in an action of tort.

Superintendent may remove vessel obstructing draw. P. S. 53, § 32.

SECTION 6. The superintendent may remove a vessel obstructing the draw of the bridge in his charge, or interfering with the passage of other vessels through the same, or made fast, without his consent, to such draw or bridge or to a pier or wharf connected therewith, or wilfully violating this ordinance; and the expense of such removal shall be recovered as provided in the preceding section.

Penalty. P. S. 53, § 28.

SECTION 7. Any person or persons who shall deface, break, or injure the draw of any bridge or the piers thereof, or who shall in any way obstruct the passage of any such draw, or the opening or closing of the same, or who shall open any such draw, or shall attempt to pass through the same with any vessel or vessels, or in any manner whatever inter-

fere therewith, without the consent of the superintendent, shall be liable to a penalty not exceeding fifty dollars, for each violation thereof.

Superintendent to make annual report

SECTION 8. Each superintendent shall annually, in December, report to the city council, the number of times the draw of the bridge in his charge has been opened during the previous year, and such other matters of general interest as he may deem expedient.

Copy of ordinance to be posted. P. S. 58, § 29.

SECTION 9. Each superintendent shall keep a printed copy of this ordinance posted in some conspicuous place near the draw of the bridge in his charge.

CHAPTER III.

AN ORDINANCE IN RELATION TO THE MOVING OF BUILDINGS, MACHINERY AND OTHER HEAVY ARTICLES THROUGH THE STREETS.

SECTION.
1. No building to be moved without permit.
2. Form of application.
3. Inspector of buildings to consent, and commissioner of streets to approve, route.
4. Permits granted only to building movers.
5. Bond to be given.
6. Hearing to be given if building will encumber railroad tracks.
7. Trees and wires not to be removed or cut without permit.
8. Moving of machinery and articles excessive in weight or bulk restricted.
9. Penalty.

No building to be moved without permit. P. S. 53, § 17.

SECTION 1. No person shall move a building in a public street or way, without written permission from the board of aldermen, to be granted upon such terms as in their opinion the public safety may require.

Form of application.

SECTION 2. All applications for such permission shall be made to said board, and shall state the location from and that to which the building is to be moved, its length, width, and height, and the principal material of which it is constructed, and shall definitely describe the route over which it is to be moved, the length of time required to move it, and whether any shade trees or branches thereof will have to be removed, and, if any, the location of such trees or branches.

Inspector of buildings to consent, and commissioner of streets to approve, route.

SECTION 3. All applications shall be accompanied by the written consent of the inspector of buildings to place the building on the lot proposed, together with a certificate from said inspector that the building has been examined and is in proper condition for removal; and also, by a certificate from the commissioner of streets approving the described route.

Permits granted only to building movers.

SECTION 4. Permits shall be granted only to practical building-movers, who are known to be engaged in such business; and the moving shall be under the direction of the commissioner of streets.

Bond to be given.

SECTION 5. No person shall move a building in a public street or way, until he has given a bond to the city of Salem, in the sum of five hundred dollars, with two or more sureties (one of whom shall be the owner of the building), to save harmless and indemnify the city from all damages which may occur by such moving. Said bond shall receive the approval of the commissioner of streets, and be filed with the city clerk, before the permit is issued.

Hearing to be given if building will encumber railroad tracks.

SECTION 6. Whenever it appears that the moving of a building under the provisions of this ordinance, will encumber the tracks of any railroad corporation, a public hearing shall be given by the board of aldermen upon the subject, before a permit is granted.

Trees and wires not to be removed or cut without permit.

SECTION 7. No person moving a building as aforesaid, shall remove any shade tree in a street, or any branch thereof, except by permission of the board of aldermen; nor shall cut, or interfere with, any wire running in, through or over any street, except by permission of the city electrician, unless said board otherwise direct.

Moving of machinery and articles excessive in weight or bulk restricted.

SECTION 8. No person shall move any machinery, merchandise or other article in or through any street or way, if the commissioner of streets shall consider the same excessive in weight or bulk, without a written permit from said commissioner, containing such restrictions as he may deem expedient, or the consent of the board of aldermen.

Penalty.

SECTION 9. Whoever violates any of the provisions of this ordinance, shall forfeit and pay for each offence, not less than five dollars nor more than twenty dollars.

CHAPTER IV.

AN ORDINANCE CONCERNING BUILDINGS AND FIRE LIMITS.

SECTION.

1. Inspection and construction of buildings regulated.
2. Election of superintendent of public buildings.
3. Duties of superintendent.
4. Appointment and duties of inspector of buildings.
5. Inspection of churches, halls, public buildings and manufactories.
6. Combustible materials, and obstructions in aisles, in public buildings etc., to be made safe upon notice from inspector.
7. Outer doors to be kept open unless they open outwards. Inner doors to open outwards.
8. Fire limits.
9. Non-combustible buildings in the fire limits regulated.
10. Wooden buildings in the fire limits regulated.
11. Buildings within and without the fire limits regulated. Chimneys, flues, fire places and grates. Well holes for elevators. Ventilating flues. Buildings damaged exceeding fifty per centum of value. Construction of buildings for manufacturing purposes, or for public meetings. Notice to be given board of aldermen when building is to be erected within ten feet of street line.
12. Furnaces and ranges. Combustible material. Bay windows, balconies, etc. Water from conductors not to flow upon or across sidewalk. Snow guards. Penalty.
13. Notice of intention to erect, alter or repair building, required. Permit required. Plans and specifications of city buildings.
14. Use of streets for building purposes regulated. Fence to be erected and lanterns to be placed and kept lighted. Penalty. Safe and convenient passage for public travel to be provided. Penalty.
15. Furnaces for melting iron or making glass. Steam boilers and engines.
16. Definition of terms used.
17. Exemptions.
18. Penalty.

SECTION 1. For the purpose of securing the prevention of fire and the preservation of life, the city council hereby regulate the inspection, materials,

Inspection and construction of buildings regulated. 1894, c. 481.

NOTE:—General Statutes, chapter 87, sections 1 to 5, relating to burnt or dangerous buildings, accepted by the city council, March 23, 1877.

Acts of 1872, chapter 243, for the prevention of fires, accepted by the city council, December 13, 1875.

Acts of 1878, chapter 47, for the protection of the public against unsafe and dangerous buildings, accepted by the city council February 25, 1879.

construction, alteration and use of buildings and other structures within the limits of the city of Salem, and establish fire limits, as hereinafter provided.

Election of superintendent of public buildings.

SECTION 2. The city council shall annually in the month of March elect by ballot in concurrence a superintendent of public buildings, who shall be an able and experienced architect, builder or mechanic, and shall not be engaged in any other business or be interested in any contract for furnishing materials. He shall hold office for the term of one year from the first day of April in the year in which he is elected and until his successor is elected. He may be removed at any time by concurrent vote of the city council and in case any vacancy shall occur in the office it shall be filled in the same manner for the remainder of the term. He shall receive such compensation for his services as the city council may from time to time determine.

Duties of superintendent.

SECTION 3. The superintendent of public buildings shall superintend the construction of all buildings erected by the city, and the alterations and repairs upon all city buildings under direction of the committee on public property, and see that the conditions of all contracts are faithfully carried out in accordance with the plans and specifications, if any.

He shall keep himself thoroughly informed as to the condition of all such buildings, and shall under said direction employ suitable mechanics to make alterations and repairs on the same, and, in general, shall render such services in relation to such buildings as properly belong to such office. Whenever it shall be necessary to expend three hundred dollars or more for the purpose of erecting, altering or repairing any city building, he shall, under such direction, advertise for proposals for doing such work. Said committee shall have the power to accept or reject any or all such proposals, as provided by the ordinance relating to contracts and labor.

Appointment and duties of inspector of buildings. 1892, c. 481, § 14.

SECTION 4. The superintendent of public buildings, or such other officer as the mayor and aldermen may designate, shall be inspector of buildings, and in his capacity as said inspector shall examine all buildings in the course of erection, alteration or repair, and ascertain if the ordinances of the city are complied with, and he may require plans and specifications or a description of any proposed erection or alteration of any building to be submitted to him, and shall grant permits for such erection or alteration when the plans and specifications or description are in conformity with said ordinances and the laws of the Commonwealth. He shall keep a record of the business of his office, including all violations of the

ordinances relating to buildings, and shall submit to the city council on the fourth Monday of December in each year a report of his doings during the preceding financial year. Said inspector, on being informed by report or otherwise that a building or other structure or anything attached to or connected therewith is unsafe or dangerous to life or limb, shall inspect the same, and if it appears to him that it is thus dangerous, he shall forthwith take such action as the laws of the Commonwealth require. He shall generally perform such duties as may be required of him by law or ordinance.

Inspection of churches, halls, public buildings and manufactories.

SECTION 5. The inspector shall examine all churches, halls, or other buildings or structures, used, or intended to be used, temporarily or permanently, for any public use, and all school houses or school rooms, public or private, and buildings used, or intended to be used, for manufacturing purposes, and if he finds that any of said buildings or rooms are deficient in proper facilities of egress, in case of fire or accident, either in number, width, construction, or arrangement of the entrances, aisles, passageways, or stairways, or by reason of inner doors opening inward, or from any other cause whatever, arising from the manner of construction, alteration, or repair of the premises, he shall at once notify the state inspector of factories and public buildings.

Combustible materials, and obstructions in aisles, in public buildings etc. to be made safe upon notice from inspector.

SECTION 6. Whenever it appears to the inspector that, in any of the buildings or structures, or portions thereof, mentioned in the foregoing section, the security of the public is temporarily endangered by the use of combustible stuff or materials; or that benches, chairs, stools, or other obstructions are temporarily placed in the aisles or passage ways thereof in such manner as to prevent free egress in case of fire or accident during the time when the same may be opened to the public; or that benches, chairs, or settees are temporarily so arranged as not to afford proper egress in case of fire or accident; or that outer doors opening inward are not kept open when such buildings or structures are used by the public; then, and in either of said cases, the inspector shall notify the person for the time being having charge of the premises, and require such person at once to make the premises safe, and if he refuses or neglects so to do, the inspector shall remove the obstructions and prosecute the offender.

Outer doors to be kept open unless they open outwards. Inner doors to open outwards.

SECTION 7. All outer doors of buildings and structures mentioned in section five of this chapter shall be kept open when such buildings or structures are used by the public, unless such doors open outwards, and except that fly doors opening both ways may be kept closed. All inner doors of such buildings and structures shall be made so as to open

outward, and said inspector is hereby authorized to enter any of such buildings or structures at all reasonable hours for the purpose of ascertaining whether or not any of the provisions of this chapter are being violated.

Fire limits.

SECTION 8. The fire limits of the city of Salem shall include all that part of the city inclosed by the following described lines, to wit: beginning at the junction of Essex and North streets, thence running northerly through the middle of North street to Lynde street, then easterly through the middle of Lynde street to a point one hundred feet distant from the westerly line of Washington street, thence northerly and parallel to the westerly line of Washington street and one hundred feet distant therefrom to the middle of Federal street, thence easterly through the middle of Federal street to a point one hundred feet distant from the easterly line of Washington street, thence southerly and parallel to the easterly line of Washington street and one hundred feet distant therefrom to the middle of Church street, thence easterly through the middle of Church and Brown streets, to Washington square (west), thence southerly through the middle of Washington square (west) and Elm streets across Derby street and continuing on the same course and in a straight line to the channel of South river, thence

northwesterly by the channel of South river to and across Lafayette street, thence southerly by the western line of Lafayette street to a point in said line one hundred feet distant from the southern line of Dodge street, thence westerly and parallel to the southern line of Dodge street and one hundred feet distant therefrom to a point one hundred feet distant from the easterly line of Washington street, thence southerly in a straight line to the middle of Washington street at a point opposite the center of Pond street, thence westerly and northerly through the middle of Washington and Mill streets to the middle of Norman street, thence westerly through the middle of Norman street to Summer street, thence northerly through the middle of Summer street to the junction of Essex and North streets and point begun at.

BRICK, STONE, OR OTHER NON-COMBUSTIBLE BUILDINGS IN THE FIRE LIMITS.

Non-combustible buildings in the fire limits regulated.

SECTION 9. No person shall erect or cause to be erected, any brick, stone, or other non-combustible building within the fire limits of more than twenty-six feet in height from the level of the street to the top of the roof, unless the outer walls shall be composed of brick or stone and mortar, or other fire-proof material, and no person shall make any

addition to any wooden building that will cause the building to exceed the height named.

All brick and stone buildings, other than dwelling houses, within the fire limits, in which the walls do not exceed thirty-five feet in height, shall have the foundation walls not less than twenty-four inches thick and the external walls not less than sixteen inches thick to the top of the upper floor, and not less than twelve inches thick for the remaining height.

All such buildings, in which the walls exceed thirty-five feet in height shall have the foundation walls not less than twenty-eight inches thick, and the external walls not less than twenty inches thick to the top of the third floor, and not less than sixteen inches thick for the remaining height.

All party walls shall not be less than twenty inches thick to the top of the second floor above the street, and not less than sixteen inches thick to the under side of the roof boards, and not less than twelve inches thick for the remaining height.

In all buildings over twenty-five feet in width not having either brick partition walls or girders, supported by columns running from front to rear, the external walls shall be increased four inches in thickness for every additional twenty-feet in the width of the building.

The bottom course for all foundation walls resting

upon the ground, shall be at least twelve inches wider than the thickness above given for foundation walls.

The amount of material above specified for external walls may be used either in piers or buttresses; *provided* that the external walls between said piers or buttresses shall in no case be less than twelve inches thick. If adjoining owners, instead of a party wall, shall each at the same time erect a wall on his own land, each such wall shall be twelve inches at least in thickness for such height as they shall be contiguous.

No rear, front, party, division or partition wall shall be erected on wooden girders, rafters or lintels; nor shall any such wall be supported by any wooden support whatever; but all such supports shall be of iron, brick or stone, and of sufficient size and strength to support the superstructure.

All lintels used to support walls or other weights over openings, shall be of sufficient strength and bearing to carry the superimposed weight, and shall where supported at the end by brick walls or piers, rest upon an iron plate at least two inches thick the full size of the bearing.

No timber shall be used in any wall of any building where stone, brick or iron is commonly used. No wooden lintels allowed under any circumstances.

In no case shall the side, end or party wall of any

building be carried up in advance of the rear wall.

The front, rear, end and party walls of any building hereafter to be erected, shall be anchored to each other every ten feet in their height, by tie anchors, made of at least one and a quarter inch by three-eighths of an inch wrought iron.

The said anchors shall be built into the side or party walls not less than thirty six inches; and into the front and rear walls at least one-half the thickness of the front and rear walls so as to secure the front and rear walls to the side and party walls. All party walls shall be carried up to a height of not less than two and one-half feet above the roof covering, with the full thickness of the party wall, and shall be capped with stone or iron, securely fastened; and where there is a flat, hip or pitch roof, the party wall shall be carried up to a height of not less than two and one-half feet above the roof covering, at every part of said roof, and shall be corbelled at least twelve inches, or into the outer edge of all projections on the front or rear walls of the buildings.

If it becomes desirable to cut a doorway through any party wall separating two buildings, a notice of the intention to do so shall be filed with the inspector of buildings. Said doorway shall be closed by two sets of wrought iron or metal covered doors, hung to rebated iron frames, and separated by the thickness of the wall. And whenever such doorway

ceases to be used, it shall be immediately filled up with masonry.

No continuous vertical recess of more than four inches in depth shall be made in any twelve-inch party wall, and no recess of any kind shall be made in any eight-inch party wall.

All piers shall be built of stone, or of hard, well-burnt brick, and laid in cement well wet when laid.

Isolated brick piers under all lintels, girders, iron or other columns shall have a cap-stone at least twelve inches thick, or plate of iron two inches thick, and full size of the pier.

For an external brick pier, the plate may be reduced sufficiently in size to allow four inches of brick work to intervene between the edge or edges of the plate, and the face or faces of the pier exposed to the weather.

Columns supported by brick walls or piers shall rest upon the iron plate at least two inches thick, or upon a granite cap-stone at least twelve inches thick, of a size satisfactory to the inspector of buildings.

Under iron columns, in all cases, shall be an iron plate of not less than one and one-half inches in thickness.

All roof or floor timbers entering the same party wall from opposite sides shall have at least four inches of solid brick-work between the ends of said timbers.

WOODEN BUILDINGS IN THE FIRE LIMITS.

Wooden buildings in the fire limits regulated.

SECTION 10. No wooden or frame building except dwelling houses and outbuildings appurtenant thereto shall be hereafter erected in the fire limits, nor shall any wooden or frame building standing in said limits be added to, altered, raised, roofed, enlarged, or built upon, except as hereinafter provided. Wooden dwellings not exceeding forty feet in height from the level of the street may be erected within said limits, if no part of the same is built within eight feet from any other wooden building measuring from wall to wall, and may be erected at a less distance than eight feet from any other wooden building if constructed with brick walls at the sides or ends thereof, adjacent to such other wooden building, provided that no such dwelling with its appurtenant outbuildings shall cover an area of more than two thousand square feet.

All such dwelling houses shall be built upon secure foundations of brick or stone, carried up to the surface of the ground, or upon solid piers of brick or stone.

No wooden or frame building that exceeds eighteen feet in height shall be removed from within or without said fire limits to any location within said limits.

All necessary repairs may be made upon any

wooden or frame building already built, provided that the height of said building shall not be increased.

A flat roof covered with metal or other non-combustible material may be substituted for a pitch roof, provided the height of said roof does not exceed the height of the pitch roof for which it is substituted.

All buildings hereafter built in said limits shall be roofed with slate, tin, or other non-combustible material, and such material shall be used in re-covering the roof of any building now standing in said limits.

All roofs and projections, bulkheads, towers and skylight frames shall be covered with metallic or other non-combustible material.

All balustrades and crestings shall be of iron or other metal.

All wooden gutters shall be metallic lined or covered with metal.

All wooden buildings within said limits shall be built with posts, girts and plates properly mortised, tenoned, braced and pinned in each story, and supported by suitable studding, the posts and girts to be not less than four by seven inches, or equivalent thereto. No ledger boards shall be used in place of girts in any building where the posts exceed fifteen feet in height.

BUILDINGS WITHIN AND WITHOUT THE FIRE LIMITS.

Buildings within and without the fire limits regulated.

SECTION 11. All buildings hereafter erected more than two stories high from the level of the street, shall be provided with two separate stairways, placed in such a manner that the inmates shall have easy means of egress at all times; said stairways to lead from each story.

No building intended to be used as a tenement or lodging house, shall be erected with a frontage of more than thirty feet on any street without the intervention of brick walls, built from the cellar bottom to at least three feet above the roof; the walls to be twelve inches thick to the top of the second floor, and eight inches thick for the remaining height.

No building to be used as a tenement or lodging house, shall exceed forty-eight feet in height above the grade established by the city, or, if built upon elevated ground, the height shall be taken from the grade of the lot upon which the building fronts.

Chimneys, flues, fire-places and grates.

All chimneys, whether without or within the fire limits, shall be built of brick, or other fire proof non-combustible material, and in no case shall rest upon any flooring without a footing of masonry or iron supported by iron beams, having a secure bearing of masonry or iron at either end. All brick chimney flues shall be smoothly plastered on the inside with

mortar from top to bottom, and outside below the roofing. In no case shall a nail be driven into the masonry of any flue. All flues shall be guarded by either a double collar of metal, or a recess, leaving two inches of space around the flue. No drain pipe or earthen ware of any description shall be used for horizontal flues, but all flues of this kind shall be made of iron pipe, laid in brick and mortar, or a double galvanized iron pipe; the air space between the pipes to be not less than two inches. All flues shall be topped out at least four feet above the roof of the building to which they belong, and all chimneys shall be covered with a cap of metal or stone properly secured. No soft brick shall be used within three feet of the roofing in the construction of chimneys. No smoke-pipe or flue shall project through any external wall or through any window, door or other opening in said wall, and no stove funnel shall project through any partition unless the same is safely and securely surrounded by brick or stonework.

Hearths or fire-places or grates shall be laid upon brick or other trimmed arches, or upon bars of iron supporting a bed of brick-work.

Depositions for ashes in the interior of any building shall be built of non-combustible material.

No wood-work shall be placed at a less distance than one inch from any tin or other metal flue, or

flues, pipe or pipes, used or intended to be used, to convey heated air in any building, unless protected by a soapstone, or earthen ring or tube, or metal casing so constructed as to permit the free circulation of air around said flues or pipes.

In all cases where ranges or boilers are set, the outside of the flue to the same shall be plastered on the outside directly upon the bricks up to the ceiling of the room, and no woodwork shall be placed on the outside thereof.

All funnel receivers shall be built into the chimneys at the time of their construction. All chimneys shall have at their base an ash door, or some opening sufficient to enable them to be readily cleaned. If any chimney, flue, or heating apparatus shall be dangerous or unsafe, the inspector of buildings shall at once notify, in writing, the owner, agent or other party, having an interest in said premises, and shall require him to make the same safe, immediately.

In no part of the city shall any building be erected hereafter, in which chimneys, boilers, or heating apparatus of any kind are used, or are to be erected and maintained, nor shall any alterations be made in chimneys, or flues already erected, without notice to the inspector of buildings before such changes or alterations are commenced, and this provision shall apply to all buildings raised, moved or built upon.

Well holes for elevators.

All well holes for elevators built within the fire limits shall be constructed of brick, and shall be supported upon a solid foundation of granite, concrete, piles, or other substantial structure. The walls of said well holes, shall be built up at least two feet above the roof of the building in which they may be placed, and covered with some non-combustible material; a glass skylight, or side window, to be placed at the top of each well hole where they extend above the roof.

Ventilating flues.

All ventilating flues of brick shall be constructed in the same manner as chimneys, and no wood-work of any kind shall be placed within one inch of them.

Buildings damaged exceeding fifty per centum of value.

Whenever any building (other than a dwelling house) built wholly or in part of wood, and standing within the fire limits, shall in the opinion of the inspector of buildings be damaged by fire or other cause, to an amount exceeding fifty per centum of its value, it shall not be repaired or rebuilt except with some non-combustible material.

Construction of buildings for manufacturing purposes or for public meetings.

All buildings hereafter erected which are to be used in whole or in part for business or manufacturing purposes, or as places for public meetings shall be constructed of brick or stone and have slate, metal or composition roof covering and metal gutters unless permission is otherwise given by the board of aldermen.

Notice to be given board of aldermen when building is to be erected within ten feet of street line.

Whenever the inspector of buildings receives notice of the intention to erect any building or alter the external wall of any building, within ten feet of the line of any street, he shall forthwith notify the board of aldermen thereof, in order that any encroachment or other injury to the streets may be prevented, and so that steps may be taken to widen or improve such streets if deemed desirable.

Furnaces and ranges.

SECTION 12. In all cases where hot water, steam, hot air, or other furnaces or ranges are hereafter placed, or their location changed in any building, due notice shall be first given to the inspector of buildings by the person or persons placing such furnace or range in said building.

Combustible material.

No waste consisting of paper, straw, hay, shavings, or other combustible material, shall be left over night within the fire limits or on any premises, where it shall be dangerous in case of fire, and all persons when notified by the inspector of buildings to remove the same shall do so within the time required by him.

Bay windows, balconies, etc.

No person shall build any portico, porch, bay window, balcony, or other projection, over the line of any street or way.

Water from conductors not to flow upon or across sidewalk.

All buildings hereafter erected within eight feet of any street or travelled way, shall be provided with suitable leaders for conducting the water from the roof to the ground, and in no case shall such water

be allowed to flow upon or across the surface of the sidewalk to the street, gutter or sewer, and no person shall permit a leader or conductor from the roof of a building owned by him, to be so placed or maintained as to direct a volume of water upon or across the surface of a sidewalk.

Snow guards.

All buildings hereafter erected upon the line, or within five feet of the line, of any street or public way, and having a slated pitch roof sloping towards said street or way, shall be provided with suitable snow guards or barriers upon said roof sufficient to prevent the snow or ice sliding therefrom.

Penalty.

Whoever violates any provision of this section shall be liable to a penalty not exceeding twenty dollars.

Notice of intention to erect, alter or repair building, required.

SECTION 13. Whoever intends to erect, alter or repair any building or structure in this city, shall, seven days at least before he proceeds to erect, alter or repair such building or structure, give notice in writing of such intention to the inspector of buildings on forms furnished by him, specifying therein the dimensions, exact height, materials, location, and such other matters relating to the erection, alteration or repair of such building or structure required by said inspector as may be necessary to show whether the same are in conformity with the ordinances of the city and laws of the commonwealth. No work,

Permit required.

except ordinary repairs, shall be done upon any building, structure, or wall, without a permit from the inspector of buildings, and no permit issued shall be in force for a longer time than one year from the date of the permit. No such permit shall be given until said inspector has carefully inspected the plans, specifications or descriptions thereof, and has ascertained that the means of ingress and egress are such as are required by such ordinances and laws; and said inspector may require such plans and specifications to be submitted to him before granting such permit. A copy of the plans and specifications of every city building hereafter erected shall be deposited in the office of the inspector.

Plans and specifications of city buildings.

MISCELLANEOUS.

Use of streets for building purposes regulated.

SECTION 14. The inspector of buildings shall see that all statutes, ordinances, orders, and regulations, respecting the use or occupation of portions of streets or ways for the purpose of erecting, altering, repairing, or removing buildings, are observed and enforced. Whoever desires to occupy or use a portion of a street or way for the erection, alteration, repair or removal of a building upon land abutting thereon shall make application to the inspector of buildings, who, subject to the consent of the commissioner of streets, may grant permits for the occupation or use,

for building purposes, of such portions of streets or ways, and for such periods of time, and under such limitations and restrictions, as may be required by ordinance or by the public convenience; and any such permit may be revoked by the said inspector at any time when the holder thereof fails to comply with any rule or regulation under which it was granted, or when, in the opinion of said inspector, the public good requires such revocation. No part of a street or way other than that so allotted shall be used for depositing materials for work to be done or for receiving rubbish arising from such work, and all such rubbish shall be carried away, by the person or persons to whom the permit is granted, at such convenient times as the said commissioner of streets or the said inspector may direct; and, in case of the neglect or refusal of such person or persons so to remove such rubbish, it shall be removed at their expense by the commissioner of streets.

Fence to be erected and lanterns to be placed and kept lighted.

When such permit is granted, the portion of a street thereby allotted shall be enclosed with a sufficient fence, not less than four feet high, and as much higher as the inspector of buildings shall direct, and such fence shall be maintained during the whole time for which the occupation of such portion of the street continues, and until all liability to accident from falling material ceases, and a lighted lantern or lanterns, or other proper and sufficient lights, shall be attached to some part or parts of such fence, and shall be

placed over or near all building materials or rubbish which of necessity are allowed to remain in any street or way over night; which lanterns or lights shall be kept lighted from sunset to sunrise every night that such fence, materials or rubbish remains in such street or way.

Penalty.

Whoever maliciously or wantonly, and without legal cause, extinguishes or diminishes a light fixed in accordance with the foregoing provisions shall be liable to a penalty of not less than ten nor more than twenty dollars.

Safe and convenient passage for public travel to be provided.

Whoever is duly licensed or permitted to occupy a part of a street, while erecting or repairing a building, or making an excavation, or for any other purpose, shall provide a safe and convenient passage for public travel around or over the obstruction so caused, shall be responsible to the city for all injuries sustained in consequence of his neglect so to do, and

Penalty.

shall be liable to a penalty of not less than ten nor more than twenty dollars for each offence; and he shall at any time, when requested by the commissioner of streets or by a police officer, exhibit his license or permit for such occupation.

Furnaces for melting iron or making glass. Steam boilers and engines. P. S. 102, §§ 40-53.

SECTION 15.* No furnace for melting iron or making glass; and no stationary steam boiler from which power is to be taken, or any other fuel than coal or

*Acts of 1845, chapter 197, regulating the use of steam engines and furnaces, accepted by city council April 14, 1845.

coke is to be used to create steam; and no stationary steam engine; shall be hereafter erected or put up to be used in this city without a license first obtained from the board of aldermen; *provided, however*, that no such license shall be required for such an engine unless the same is to be erected within five hundred feet of a dwelling house or public building. Such license may be granted on a written application, shall be recorded by the city clerk in the records of the city, and shall prescribe such regulations as to the height of flues and protection against fire as said board deem necessary for the safety of the neighborhood. Upon application for such license, the board of aldermen shall assign a time and place for the consideration of the same, and cause at least fourteen days' public notice thereof to be given, at the expense of the applicant, in such manner as they may direct, in order that all persons interested may be heard thereon.

Definition of terms used.

SECTION 16. The following terms used in this ordinance shall have the meanings assigned in this section, viz.:—

"Alteration" means any change or addition other than "repairs".

"Cellar" means a basement or lower story of which one-half or more of the height from the floor to the ceiling is below the level of the adjoining land.

"Chimney" shall apply to any permanent or fixed flue or passage built into any building for conveying away the products of combustion from furnaces, stoves, boilers, ranges or fireplaces.

"External wall" means that part of the outer wall of a building, other than a party wall, above the foundation wall.

"Foundation wall" means that portion of the outer wall of a building, other than a party wall, below the level of the ground outside said wall.

"First floor," "second floor," and "third floor" means the first, second and third floors respectively above the cellar or basement, or above the ground where there is no cellar or basement.

"Lodging house" means a building in which more than six persons are accommodated with sleeping apartments for hire, and includes hotels and apartment houses where cooking is not done in the several apartments.

"Partition wall" means any interior wall of masonry in a building.

"Party wall" means every wall used, or built in order to be used, as a separation of two or more buildings.

"Repairs" means the reconstruction or renewal of any existing part of a building or of its fixtures or appurtenances, by which the strength or fire risk is

not affected or modified, and not made for the purpose of converting the building in whole or in part into a new one.

"Tenement house" means a building which, or any portion of which, is occupied, or intended to be occupied, as a dwelling by more than three families living independently of one another and doing their cooking upon the premises; or by more than two families above the second floor, so living and cooking.

"Thickness" of a wall means the minimum thickness of such wall.

Exemptions.

SECTION 17. The provisions of this ordinance shall not apply to buildings and structures owned or occupied by the United States or the commonwealth of Massachusetts, nor to the construction of bridges, quays and wharves.

Penalty.

SECTION 18. Whoever violates any of the provisions of this ordinance shall be liable to a penalty not exceeding one hundred dollars for each violation thereof, unless another penalty is herein specifically provided.

CHAPTER V.

AN ORDINANCE RELATIVE TO THE BURIAL OF THE DEAD.

SECTION.
1. Undertakers, by whom licensed.
2. Burial or removal of body not permitted until certificate has been given.
3. Fee for making returns. Returns to be preserved.
4. Physician to furnish certificate. Penalty.
5. Certificates to give primary and secondary causes of death of soldiers and sailors. Penalty.
6. Board of health may make regulations. Closing of tombs and burial places.
7. Removal of remains of persons who have died of dangerous diseases. Penalty.
8. Destroying, injuring or removing tomb, memorial of the dead, etc.
9. Desecration of burial ground. Penalty.
10. Funds may be deposited with city treasurer for preservation and care of burial lots.

Undertakers, by whom licensed. P. S. 32, § 6.

SECTION 1. The board of aldermen shall, on or before the first day of July in each year, license a suitable number of undertakers to take charge of the funeral rites preliminary to the interment of a human body.

Burial or removal of body not permitted until certificate has been given. P. S. 32, § 5. 1883, c. 124. 1888, c. 306, § 2. 1893, c. 263, § 2.

SECTION 2. No undertaker, sexton or other person shall bury in this city or remove therefrom a human body until he has received a permit so to do from the board of health or its duly appointed agent. No such permit shall be issued until there has been delivered to such board or agent, a satisfactory written statement containing the facts required by law to be returned and recorded, together with the certificate of the attending physician, if any, as required by section three of this ordinance, or in lieu thereof a certificate as hereinafter provided. If there is no attending physician, or if the certificate of the

attending physician cannot be obtained, for good and sufficient reasons, early enough for the purpose, the chairman of the board of health or the city physician shall, upon request of said board or agent, make such certificate as is required of the attending physician; and in case of death by violence the medical examiner shall, if requested, make the same. When such satisfactory statement and certificate are delivered to the board of health or its agent, the board or agent shall forthwith countersign and transmit the same to the city clerk for registration. The person to whom the permit is so given shall thereafter furnish for registration any other information as to the deceased or to the manner and cause of the death, as the city clerk may require. Any person violating any of the provisions of this section shall be punished by a fine not exceeding fifty dollars as provided by statute.

Fee for making returns. Returns to be preserved. P. S. 32, § 4. 1887, c. 202, § 2.

SECTION 3. The person making the return specified in the preceding section, shall receive from the city the fee of twenty-five cents therefor. All such returns shall be preserved by the city clerk, and filed, arranged and indexed, conveniently for examination and reference.

Physician to furnish certificate. Penalty. P. S. 32, § 3. 1888, c. 63. 1888, c. 306, § 1. 1898, c. 263, § 1.

SECTION 4. A physician who has attended a person during his last illness shall, when requested, forthwith furnish for registration, a certificate stating, to the best of his knowledge and belief, the name of

the deceased, his age, the disease of which he died, the duration of his last sickness, and the date of his decease; and a physician who has attended at a birth of a child dying immediately thereafter, or at the birth of a stillborn child, shall, when requested, forthwith furnish for registration a certificate, stating to the best of his knowledge and belief the fact that such a child died after birth or was born dead. If a physician neglects or refuses to make a certificate as aforesaid, or makes a false statement therein, he shall be punished by a fine not exceeding fifty dollars as provided by statute.

Certificates to give primary and secondary causes of death of soldiers and sailors. Penalty. 1889, c. 224.

SECTION 5. A physician who has attended a person in his last illness in furnishing a certificate for the purposes of registration as required by section four of this ordinance, shall, in case the deceased was a soldier or a sailor who served in the war of the rebellion, give both the primary and the secondary or immediate cause of death as nearly as he can state the same. If a physician refuses or neglects to make such certificate he shall forfeit to the treasurer the sum of ten dollars for the use of the city.

Board of Health may make regulations. Closing of tombs and burial places.

SECTION 6. The board of health may, if in their opinion the public health requires it, close any tomb, burial ground, cemetery or other place of burial in the city, for such length of time as they may deem

necessary for the protection of the public health; may make all regulations which they judge necessary concerning burial grounds and interments within their respective limits, and may establish penalties not exceeding one hundred dollars for any breach of such regulations as provided by statute. Notice of such regulations shall be given by publishing the same in some newspaper of the city. Before a tomb, burial ground, or cemetery is closed by order of said board of health for a time longer than one month, a public hearing thereon shall be given as provided by law.

P. S. 82, §§ 19, 20, 22.
1885, c. 278, § 1.

SECTION 7. No railroad corporation, or other common carrier or person, shall convey or cause to be conveyed, through or from the city, the remains of any person who has died of small-pox, scarlet fever, diphtheria, or typhoid fever, until such body has been so encased and prepared as to preclude any danger of communicating the disease to others by its transportation; and no permit shall be given for the removal of such body until the board of health or their agent has signed a certificate, stating the cause of death, and that said body has been prepared in the manner set forth in this section, which certificate shall be delivered to the agent or person who receives the body. Any person violating the provisions of this section shall be punished by fine, not exceeding twenty-five dollars as provided by statute.

Removal of remains of persons who have died of dangerous diseases. Penalty.
1883, c. 124, § 2.
1887, c. 335.

Destroying, injuring or removing tomb, memorial of the dead, etc. Penalty. P. S. 207, § 49.

SECTION 8. Whoever wilfully destroys, mutilates, defaces, injures, or removes a tomb, monument, gravestone, or other structure or thing placed or designed for a memorial of the dead, or a fence, railing, curb, or other thing intended for the protection or ornament of a tomb, monument, gravestone, or other structure before mentioned, or of an enclosure for the burial of the dead, or wilfully destroys, mutilates, removes, cuts, breaks, or injures a tree, shrub, or plant placed or being within such enclosure, or wantonly or maliciously disturbs the contents of a tomb or grave, shall be punished by fine not exceeding one thousand dollars, or by imprisonment in the jail or house of correction not exceeding three years as provided by statute.

Desecration of burial ground. Penalty. P. S. 207, § 50.

SECTION 9. Whoever wrongfully, and by any act not included in the provisions of the preceding section, destroys, injures, or removes a building, fence, railing, or other thing lawfully erected in or around a place of burial or cemetery, or a tree, shrub, or plant situate within its limits, or wrongfully injures a walk or path, or places rubbish or offensive matter or commits a nuisance therein, or in any way desecrates or disfigures the same, shall forfeit for every such offence not less than five nor more than one hundred dollars as provided by statute.

Funds may be deposited with city treasurer for preservation and care of burial lots. P. S. 82, § 17. 1884, c. 186.

SECTION 10. Any person may deposit with the city treasurer funds, moneys or securities, for the purpose of providing for the preservation, care, improvement or embellishing of any public or private burial place in this city, or of burial lots located in the same. The sum thus deposited shall be entered upon the books of the city treasurer, and held for said purpose, and interest shall be allowed thereon by the city at the rate of three per centum per annum. The sum so deposited shall be invested in such manner as the joint standing committee on finance and appropriations may direct. The joint standing committee on public property shall have the care of such lots and places, and shall from time to time expend so much of said interest, as may be necessary for the purposes for which said sum was deposited.

CHAPTER VI.

AN ORDINANCE RELATING TO THE CITY CLERK.

SECTION.
1. Election of city clerk. Certificate of oath. City clerk *pro tempore.*
2. Term of office and compensation. Money received for fees and licenses to be paid city treasurer.
3. Shall be clerk of board of aldermen, and shall attend meetings of the board and city council. Clerk *pro tempore.*
4. Care and custody of records, documents, maps, etc.
5. Records may be copied and indexed. Proviso.
6. Annual report.
7. Office hours.
8. Manner of calling committee meeting when chairman declines or neglects to do so.

Election of city clerk. 1836, c. 42, § 8.

SECTION 1. The city council shall annually as soon after their organization as may be convenient, elect by joint ballot in convention, a city clerk, who shall be sworn to the faithful discharge of the duties of his office, and a certificate of the oath, signed by the officer administering the same, shall be entered upon the records of the board of aldermen. In case of a vacancy in the office of city clerk, or any disability in such clerk to perform the duties required by law, the board of aldermen may appoint a city clerk *pro tempore*, who shall be sworn and perform such duties, but shall hold the office only until such vacancy is filled by the city council or until such disability ceases to exist.

Certificate of oath.

City clerk *pro tempore.* P. S. 8, § 23.

Term of office and compensation.

SECTION 2. The city clerk shall hold his office for one year, and until another is chosen and quali-

fied in his stead, and shall receive such compensation for his services, as shall be determined by the city council, and the same shall be deemed to include and to be in full for all services rendered by him to the city as such clerk. He shall, on the first day of each month, pay to the city treasurer all moneys received by him, during the preceding month for fees and licenses (except for dog licenses) taking the treasurer's receipt therefor.

Money received for fees and licenses to be paid city treasurer.

SECTION 3. The city clerk shall be clerk of the board of aldermen, and shall perform such duties as they may prescribe. He shall attend all meetings of said board, and all meetings of both branches of the city council in convention, act as clerk thereof, and keep a record of all such meetings. In case of his absence, the board of aldermen may appoint a clerk *pro tempore* for any such meeting.

Shall be clerk of board of aldermen, and shall attend meetings of the board and city council. 1836, c. 42, § 10. P. S. 28, § 2.

Clerk *pro tempore*.

SECTION 4. The city clerk shall have the care and custody of the city records and of all documents, maps, plans and papers of the city, respecting the care and custody of which no other provision is made. He shall keep all records and documents belonging to his office in his sole custody, and shall in no case, except upon summons in due form of law or when the temporary removal of records and documents in his custody is necessary or convenient for the trans-

Care and custody of records, documents, maps, etc. P. S. 37, § 12.

action of the business of the courts or the performance of the duties of his office, cause or permit any record or document to be removed therefrom.

Records may be copied and indexed. P. S. 37, § 7.

SECTION 5. The city clerk may cause any of the public records and papers in his office to be copied, arranged and indexed, conveniently for examination and reference, whenever in the opinion of the board of aldermen the same may be necessary, and the expense thereof shall be paid by the city: *provided*, that such expense shall not exceed the sum allowed therefor by said board.

Proviso.

Annual report.

SECTION 6. The city clerk shall annually on the fourth Monday of December report to the city council the total amount paid for clerical assistance in his office during the previous fiscal year, and a detailed statement of the sums received for fees and licenses during said year and paid the city treasurer as provided in section two.

Office hours.

SECTION 7. The office of the city clerk shall be open every day, except Saturdays, Sundays and the usual holidays, from 9 o'clock A. M to 1 o'clock P. M., and from 2½ o'clock P. M. to 4 o'clock P. M., and on Saturdays the office shall be open from 8½ o'clock A. M. to 2 o'clock P. M.

Manner of calling committee meeting when chairman declines or neglects to do so.

SECTION 8. Whenever a majority of the members of any committee of the city council or either branch thereof, desire a meeting of the committee, and the chairman thereof declines or neglects to call such meeting within forty-eight hours after receiving a written request for such meeting signed by such majority of members, such meeting may be called and held provided said majority of members shall file with the city clerk a statement in writing over their signatures that the chairman has declined or neglected to call the same after request as aforesaid, and requesting that such meeting be called at the time and place to be by them designated therein. Upon receiving such statement, said clerk shall cause each member of the committee to be notified that a meeting will be held at the time and place requested in said statement.

CHAPTER VII.

AN ORDINANCE RELATING TO THE CITY MESSENGER.

SECTION.
1. Election of messenger.
2. Duties.
3. Care of city hall. Care and distribution of city documents, stationery, etc.
4. Assistance and compensation.

Election of messenger.

SECTION 1. The city council shall annually in the month of January elect by ballot in concurrence a city messenger, who shall hold office for one year from the first day of February in the year of his election, and until another is elected in his place. He may be removed at any time by the city council, and whenever a vacancy occurs, it shall be filled for the remainder of the term, by concurrent vote as aforesaid.

Duties.

SECTION 2. The city messenger shall attend all meetings of the board of aldermen and of the common council and school committee, and shall wait on all other committees and boards when in session at the city hall. He shall deliver all messages, notifications, and other papers and documents, except tax bills, when thereto directed by the mayor, by either branch of the city council, by such committees or boards, or by the city clerk, city treasurer or city collector, and shall perform such other services as shall be required of him by the board of aldermen or the common council.

SECTION 3. The city messenger shall under the direction of the joint standing committee on public property, have the general care and custody of the city hall, and of the various apartments thereof, except as to repairs and alterations; shall keep the same clean and in good order, and see that they are properly warmed and lighted. He shall also under direction of the joint standing committee on printing have the care, custody and distribution of all city documents, books and papers, and provide all stationery and other articles necessary for the use of either branch of the city council or any committee thereof.

Care of city hall.

Care and distribution of city documents, stationery, etc.

SECTION 4. The city messenger may employ, subject to the approval of the mayor, a suitable person to assist him in the performance of his duties, and the messenger and assistant shall each receive such compensation as the city council may determine.

Assistance and compensation.

CHAPTER VIII.

AN ORDINANCE CONCERNING THE APPOINTMENT AND DUTIES OF CITY OFFICERS.

SECTION.
1. Appointment of inspectors, weighers and measurers. Inspectors to make annual report.
2. City marshal, police officers and constables.
3. Constable at Peabody Academy of Science.
4. Registrars of voters and election officers.
5. Trustees of Plummer Farm school.
6. Fence viewers, field drivers and pound keepers.
7. Term of office.
8. Members of city council ineligible to other offices.
9. Designation of persons to care for interment of soldiers and sailors dying without means to defray funeral expenses.
10. Certain ordinances, orders, etc., to be presented to mayor. To be approved or returned with objections. May be passed over veto by two-thirds vote of both branches. Vote, how taken. To be in force if not returned within ten days. Some items in appropriation orders, etc. may be approved and others disapproved by the mayor. Passage over veto. Approval of mayor required to certain orders and votes of the board of aldermen.
11. Mayor shall have no right to vote.
12. In elections, blank pieces of paper not to be counted as ballots.
13. Mayor may close public buildings and offices, and order flags displayed.
14. Sale of old materials.
15. Officers and boards to appear before city council or either branch thereof and furnish information, when requested. Proviso.
16. Officers and employees not to be paid until wages are actually due. Assignment of compensation or wages not allowed.
17. Certain city officers to give bonds Approval and custody of same

Appointment of inspectors, weighers and measurers.

SECTION 1. The mayor and aldermen shall annually, in the month of January or as soon thereafter as possible, appoint for each office one or more persons to be:—

Weighers of coal. P. S. 60, §§ 79-84.
Inspectors of milk. 1883, c. 218.
Inspectors of petroleum. 1883, c. 225.
Inspectors of vinegar. 1884, c. 70.
Measurers of grain. P. S. 57.
1886, c. 318.
P. S. 59, §§ 6, 7.
1885, c. 122.
P. S. 60, § 71.
1883, c. 257.
1884, c. 163.

They shall also annually in the month of April, or as soon thereafter as possible appoint one or more persons to be inspectors of animals and provisions; and when thereto requested by two or more citizens of Salem, shall annually, in the month of April, appoint one or more measurers of upper leather. P. S. 60, §§ 23-28. P. S. 58. 1892, c. 195. 1892, c. 432. 1883, c. 306. P. S. 62.

The several inspectors herein named shall annually on the fourth Monday of December render a report to the city council of their doings during the previous fiscal year. Inspectors to make annual report.

SECTION 2. The mayor and aldermen shall have full and exclusive power to appoint a city marshal and assistants, and a constable or constables and all other police officers, who shall hold their offices during the pleasure of the mayor and aldermen, and may be removed by them when in their opinion sufficient cause for removal exists. City marshal, police officers and constables. 1836, c. 42, § 8. P. S. 27, § 85.

SECTION 3. The mayor and aldermen shall annually in the month of January, and whenever a vacancy occurs, appoint a constable for special duty in the building of the Peabody Academy of Science Constable at Peabody Academy of Science.

in Salem, during the hours it shall be opened to the public free of expense. It shall be the duty of said constable to maintain order and keep the peace in said building, and he shall receive such compensation for his services, as the city council may determine; *provided, however*, that if the said Peabody Academy of Science shall at any time require an admission fee to their building, such compensation shall cease.

Registrars of voters and election officers.
1893, c. 417, §§ 26, 28.

SECTION 4. The mayor and aldermen shall annually in the month of March or April, appoint a registrar of voters, who shall hold office for the term of three years, beginning with the first day of May next ensuing, and until his successor is appointed and qualified or he is removed. They shall also annually in the month of September, or as soon thereafter as possible, appoint as election officers for each voting precinct, one warden, one deputy warden, one clerk, one deputy clerk, four inspectors and four deputy inspectors, who shall be qualified voters in the ward of which such precinct forms a part. Every election officer so appointed shall hold office for one year beginning with the first day of November succeeding his appointment, and until his successor is appointed and qualified, or he is removed. Vacancies shall be filled as required by the laws of the commonwealth.

1893, c. 417, §§ 106, 107.

Trustees of Plummer Farm school. 1855, c. 465.

SECTION 5. The mayor and aldermen shall annually, in the month of January, appoint two trustees of the Plummer Farm school, who shall hold office for five years from the first day of February in the year in which they are appointed; and vacancies in the board of trustees of said school, may be filled at any time by the mayor and aldermen for the remainder of the term.

Fence viewers, field drivers and pound keepers. P. S. 27, §§ 78, 86. P.S. 36, §§ 20-41. 1893, c. 417, § 266.

SECTION 6. There shall be elected annually, in the month of January, by concurrent vote of the city council, two or more fence viewers, two or more field drivers, and one pound keeper for each pound in the city.

Term of Office.

SECTION 7. The officers named in sections one, three and six shall hold their offices for one year from the first day of the month following their appointment or election, and until their successors are appointed or elected, or they are removed; and they may be removed at the pleasure of the board or council appointing them. Vacancies may be filled at any time for the remainder of the term, in the manner provided for the appointment or election of said officers.

Members of city council ineligible to other offices. 1886, c. 117.

SECTION 8. *No member of the city council shall

*Acts of 1851, chapter 70, authorizing members of city councils to hold other offices, accepted by city council July 28, 1851. General Statutes, chapter 19, section 13, authorizing members of city council to hold other offices, accepted by city council March 23, 1880.

be eligible, during the term for which he was chosen, to any office by appointment or by election of the city council or either branch thereof, the salary of which office is payable from the city treasury.

Designation of persons to care for interment of soldiers and sailors dying without means to defray funeral expenses. 1889, c. 395. 1892, c. 184. 1894, c. 62.

SECTION 9. The mayor shall annually in January designate some suitable person or persons, who shall serve without compensation, and who shall be other than the overseers of the poor or those employed by them, whose duty it shall be, under regulations established by the commissioners of state or military aid for the commonwealth, to cause to be properly interred the body of any honorably discharged soldier, sailor or marine who served in the army or navy of the United States during the late war who may hereafter die in the city without leaving sufficient means to defray funeral expenses, and as provided in chapter three hundred and ninety-five of the acts of the year eighteen hundred and eighty-nine.

Certain ordinances, orders, etc. to be presented to mayor. P. S.-28, § 6.

SECTION 10. Every ordinance, order, resolution, or vote to which the concurrence of the board of aldermen and of the common council may be necessary, except on a question of a convention of the two branches or of the election of an officer, and every order of either branch of the city council involving the expenditure of money, shall be presented to the

mayor. If he approves thereof, he shall signify his approval by signing the same; if he does not approve thereof, he shall return it, with his objections in writing, to the branch in which it originated. Such branch shall enter the objections of the mayor at large on its records, and shall reconsider said ordinance, order, resolution, or vote; and if, after such reconsideration, two-thirds of the members of that branch present and voting agree, notwithstanding such objections, to pass such ordinance, order, resolution, or vote, it shall, if it originally required concurrent action, be sent, together with the objections of the mayor, to the other branch, where it shall also be reconsidered; and if approved by two-thirds of the members present and voting, it shall be in force; but in all cases the vote shall be determined by yeas and nays. If such ordinance, order, resolution or vote is not returned by the mayor within ten days after it has been presented to him, it shall be in force. When an ordinance, order, resolution or vote of the city council, or of either branch thereof, involving the appropriation or expenditure of money, or the raising of a tax, and including several items or sums, is presented to the mayor for his approval, he may approve some of the items or sums, and disapprove others; and in case of such disapproval the portion of the ordinance, order, resolution or vote so approved shall be in force, in like manner as if the

To be approved or returned with objections.

May be passed over veto by two-thirds vote of both branches. Vote, how taken.

To be in force if not returned within ten days.

Some items in appropriation orders, etc. may be approved and others disapproved by the mayor.

items or sums disapproved had never been a part thereof; and the mayor shall return a statement of the items or sums disapproved, with his objections in writing, to that branch of the city council in which the ordinance, order, resolution or vote originated. The items or sums so disapproved shall not be in force unless passed by the city council, or by that branch thereof by which the ordinance, order, resolution or vote was passed, if passed by one branch only, in the manner above provided.

Passage over veto.

Approval of mayor required to certain orders and votes of the board of aldermen.

The approval of the mayor shall likewise be required, and he shall have the power of veto as above, and with like limitations, over any order or vote of the board of aldermen which involves the exercise of any of the powers conferred by law upon the mayor and aldermen, or upon the board of aldermen as a separate board, but nothing herein contained shall affect the powers of said board in relation to votes cast at elections, nor shall the veto power of the mayor extend to elections, appointments or the granting of licenses.

Mayor shall have no right to vote. P. S. 28, § 7. 1882, c. 180.

SECTION 11. The mayor shall have no right to vote in meetings of the board of aldermen, or in conventions of the two branches of the city council.

In elections, blank pieces of paper not to be counted as ballots.

SECTION 12. In all elections of city officers blank pieces of paper shall not be counted as ballots.

Mayor may close public buildings and offices, and order flags displayed.

1895, c. 115.

SECTION 13. The mayor may order the public buildings or any of the public offices of the city to be closed, not exceeding one day at a time, whenever he deems it expedient, and may at any time order flags to be displayed thereon and on any city flagstaff.

Sale of old materials.

P. S. 27, § 9.

SECTION 14. Every officer and board in charge of a department may, with the approval of the mayor in writing, sell, or otherwise dispose of, any old or unnecessary materials not required by such department, and not exceeding one hundred dollars in value. The officer or board selling or disposing of such materials shall make a record containing full particulars as to the disposition and price thereof, and make out bills therefor, and deliver the same to the city collector for collection; and all facts relating thereto shall be stated in the next annual report of such officer or board. Materials exceeding one hundred dollars in value shall not be disposed of except by vote of the city council. All receipts for such sales shall be credited to the department disposing of said materials.

Officers and boards to appear before city council or either branch thereof and furnish information, when requested.

SECTION 15. Every officer or board in charge of a department, shall, when thereto requested by the city council or either branch thereof, appear before said council or branch at any meeting thereof and furnish such information as may be desired by said

council or branch relative to any matter concerning their department which is being considered by said council or branch; *provided, however*, that the city marshal shall only be required to attend and furnish information as aforesaid to the mayor and aldermen.

Proviso.

Officers and employees not to be paid until wages are actually due.

SECTION 16. No officer or employee of the city in any department shall be paid the compensation allowed him, or any portion thereof, until the same is actually due and payable, nor until the time of service for which such compensation is to be paid has expired; and if any such officer or employee shall assign his compensation or wages it shall be considered sufficient cause for his removal from office or discharge from service of the city. Every officer or board in charge of a department shall prevent the persons employed in such department from making any such assignment. Whenever the city treasurer receives notice of any such assignment, he shall forthwith notify the assignor that such assignment is contrary to the provisions of this ordinance.

Assignment of compensation or wages not allowed.

Certain city officers to give bonds. Approval and custody of same.

SECTION 17. The city council shall require all officers of the city intrusted with the receipt, care or disbursement of money, to give bonds for the faithful discharge of their respective duties in such penal sums as the city council may by ordinance require and with such sureties as the mayor and board of

aldermen may, in writing, approve. All bonds and evidences of obligation given to secure the city against loss by malfeasance in office or otherwise, shall after approval be filed with the city clerk, and shall be examined as to their sufficiency at least once in each year by the board of aldermen; *provided, however*, that the bond given by the city clerk shall be filed with the city treasurer. Proviso.

CHAPTER IX.

AN ORDINANCE RELATING TO THE CITY PHYSICIAN.

SECTION.
1. Election of city physician.
2. To attend sick paupers and patients under care of city.
3. Vaccination.
4. To render services at police station, and examine cases of accidental injury. To furnish certificate of cause of death. General advice and service. To examine applicants for military aid. To render aid to city solicitor in suits.
5. To keep record and make reports.
6. Compensation. Proviso.

SECTION 1. The city council shall annually in the month of January elect by ballot, in concurrence, a city physician, who shall be a resident of Salem and a graduate of a legally incorporated medical school. He shall continue in office for one year from the first day of February, in the year of his election, and un- Election of city physician.

til his successor is elected, but may be removed at any time by concurrent vote of the city council, and a vacancy may be filled for the unexpired term in the manner above provided.

To attend sick paupers and patients under care of city. P. S. 80, § 5.

SECTION 2. It shall be his duty to attend, under the general direction of the overseers of the poor, upon all sick paupers and patients under the care of the city authorities at the almshouse or elsewhere within the limits of the city, and to render all the services by law incumbent on physicians appointed by boards of health.

Vaccination.

SECTION 3. He shall vaccinate without charge all persons sent to him by the overseers of the poor, such scholars of the public schools, or applicants for admission thereto, as the school committee may direct, and all other residents of the city who may apply to him for that purpose, and are unable to pay for such service; *provided*, such persons have not been successfully vaccinated within three years. He shall give certificates of such vaccination when the same are necessary for admission to the public schools.

To render services at police station, and examine cases of accidental injury.

SECTION 4. He shall render all professional services required of him at the police station; examine all cases of accidental injury whereby the city may become liable; and when requested by the mayor,

board of aldermen, or city marshal, shall examine all candidates for appointment to the police force, and the condition of all officers absent from duty by disability. Upon request he shall forthwith furnish for registration, a certificate stating to the best of his knowledge and belief, the facts required by law to be certified as to the death of any person, when there is no attending physician, or the certificate of the attending physician cannot be early enough obtained; and generally shall give such professional advice and service as may be required of him by the mayor, either branch of the city council or committee thereof, or the board of health.

To furnish certificate of cause of death. 1893, c. 263, §§ 1, 2.

General advice and service.

He shall, examine all applicants for military aid, who may be sent to him by the committee on military aid, and furnish said committee a certificate showing the mental and physical condition of every such applicant.

To examine applicants for military aid.

He shall, at the request of the city solicitor, render such professional aid in all suits where the city is interested, whether in court or otherwise, as the city solicitor may deem necessary.

To render aid to city solicitor in suits.

SECTION 5. He shall keep a record of all the doings of his office, and make a report thereof to the city council on the fourth Monday of December annually. All cases of disease in which he shall give his professional advice or service, shall be reported

Keep record and make reports.

to the overseers of the poor once in three months, or oftener if required.

Compensation.

SECTION 6. The city physician shall receive such compensation, as the city council may determine, and the same shall be in full for all services required of him, except when a general vaccination of all the inhabitants is ordered, or when he is called upon to attend persons sick with small-pox, in which cases he shall be allowed, in addition to such compensation, fifty cents for each person he shall vaccinate and the actual cost of the virus used therefor, and two dollars for each visit to a small-pox patient; *provided, however*, that when such visits are made at the small-pox hospital, he shall be allowed one dollar only for each patient in excess of ten he shall visit at any one time.

Proviso.

CHAPTER X.

AN ORDINANCE RELATING TO THE CITY SOLICITOR.

SECTION.
1. Election of city solicitor.
2. To draft all legal instruments required by the city.
3. To prosecute and defend suits. To appear before general court.
SECTION.
To give legal opinions. Proviso.
To examine claims.
4. To make annual report.
5. Compensation.

SECTION 1. The city council shall annually in the month of May, elect by ballot in concurrence a city solicitor, who shall be a citizen of Salem, and an attorney and counsellor in the courts of the commonwealth, and who shall hold no other office under the city government during the period for which he is elected. He shall hold his office for one year from the first day of June in the year of his election, and until his successor is elected, unless sooner removed; and he may be removed at any time by concurrent vote of the city council. A vacancy may be filled at any time for the unexpired term in the manner above provided.

Election of city solicitor.

SECTION 2. The city solicitor shall draft, or cause to be drafted, all bonds, deeds, contracts, and all other legal instruments, which may be required of him, by the city council, or either branch thereof, or by any committee of the city council, or either branch thereof, or which by law, usage and agreement, the city may be at the expense of drafting.

To draft all legal instruments required by the city.

To prosecute and defend suits. P. S. 214, § 23.

SECTION 3. It shall be his duty to commence and prosecute all actions and suits to be commenced by the city; to defend all actions and suits brought against the city; to appear as counsel in any other action, suit or prosecution, which may involve the rights and interests of the city, if requested to do so by the mayor or city council; and defend the officers of the city, in any suit or prosecution against them, for any act or omission in the discharge of their official duties, wherein any estate, right, privilege, ordinance or act of the city government or any breach of any ordinance, may be brought in question. He may take such steps and incur such expense, to be charged to the proper appropriation, in prosecuting and defending suits, as he may deem necessary; and may settle any suit against the city when such settlement is approved by the mayor. He shall also appear before the general court of the commonwealth, or before any committee thereof whenever the interests or welfare of the city, may be directly or indirectly affected, if requested to do so by the mayor or city council; and shall perform all other professional duties incident to his office, which may be required by the mayor, the city council, or either branch thereof, or by any joint or separate committee thereof; and he shall, when requested, furnish the mayor, the city council or either branch thereof, the school committee, any committee of the city council or of either

To appear before general court.

To give legal opinions.

branch thereof, or any board or officer in charge of a department of the city government, his legal opinion on any subject or question relating to the discharge of their official duties; *provided, however*, that if such opinion is desired in writing, the question submitted for his consideration shall also be stated in writing. He shall examine all claims presented to him by the joint standing committee on claims, and if a settlement thereof seems to him advantageous for the city, shall approve the same.

Proviso.

To examine claims.

SECTION 4. On the fourth Monday of December in each year, the city solicitor shall make a report in writing, to the city council, concerning all suits or legal proceedings, in which the city is interested, which are pending or have been determined during the preceding year, with a brief description of each case, and such other information as, in his opinion, the interests of the city may require.

To make annual report.

SECTION 5. The city solicitor shall receive such compensation as the city council may determine, which shall be in full for all services he may be called upon to perform under the provisions of this ordinance, except for services rendered in courts of record, and before the general court or any committee thereof, or for services not herein specified, and for the services so excepted he shall be allowed an additional and reasonable compensation. In all cases, where his attendance is required out of the city, he

Compensation.

shall be allowed his reasonable travelling expenses; and in suits and prosecutions he shall be entitled to receive and retain for his own use the legal taxable costs which may be recovered by the city of the adverse party, according to the usage and practice of the courts.

CHAPTER XI.

AN ORDINANCE CONCERNING CLAIMS AND ACCIDENTS.

SECTION.
1. Power to investigate and settle claims. Provisos. Settlement to be approved by mayor and city solicitor.
2. Officer having knowledge of facts to report to city solicitor.
3. Members of city council not to act as attorney against the city.
4. Police officers to report facts concerning accidents. Investigation of cause. Record to be kept.
5. City employees to report to city marshal facts coming to their knowledge concerning accidents.

Power to investigate and settle claims.

SECTION 1. The joint standing committee on claims, shall have full power and authority to investigate all claims against the city which may be referred to them by the city council, except claims for damages on account of the laying out, altering and widening of streets, and the abatement of nuisances by the board of health. They may settle and adjust any claims so referred to them, at any time before

the return day of a summons duly served upon the city in the matter of such claim; *provided*, the amount to be paid shall not exceed five hundred dollars; and *provided, further*, that such settlement shall be subject to the approval of the mayor and city solicitor. Said committee shall cause every claim settled by them to be presented to the mayor and city solicitor for approval, and if the same does not receive such approval within ten days from the time of such presentment, said committee shall, if in their judgment the interests of the city demand a settlement of the claim, report thereon to the city council with such recommendation as they deem necessary.

Provisos.

Settlement to be approved by mayor and city solicitor.

SECTION 2. Every city officer having knowledge of any fact concerning any claim or suit for or against the city, shall report such fact forthwith to the city solicitor.

Officer having knowledge of facts to report to city solicitor.

SECTION 3. No member of the city council shall act as attorney, agent or representative of any person or corporation in making, prosecuting, presenting or collecting, in any court or tribunal, or before the city council or any branch or committee thereof, any claim or demand against the city.

Members of city council not to act as attorney against the city.

SECTION 4. Whenever the attention of any officer or member of the police force, shall in any manner

Police officers to report facts concerning accidents.

have been called to an accident occurring in any public street, way or place in the city, such officer or member shall forthwith communicate to the city marshal such facts and information as he may have relating thereto, together with the names of all witnesses; and the city marshal, upon receiving in any manner notice of such an accident shall immediately detail a member of said force to investigate the cause and circumstances thereof. The city marshal shall keep a record of all accidents, and shall enter therein the names of witnesses, a particular description of the locality, and the circumstances attending the accident.

Investigation of cause.

Record to be kept.

SECTION 5. It shall be the duty of every employee of the city to report at once to the city marshal all facts or information concerning any accident which may come to his notice or knowledge, and the several boards and officers in charge of departments, shall instruct all their employees to report such facts and information as aforesaid.

City employees to report to city marshal facts coming to their knowledge, concerning accidents.

CHAPTER XII.

AN ORDINANCE ESTABLISHING THE COMPENSATION OF CERTAIN CITY OFFICERS.

SECTION.
1. Compensation of mayor and other officers.
2. Compensation of members of fire department. Members allowed additional sum equal to poll-tax paid.
3. Compensation of members of police force. Proviso as to fees.
4. Compensation to be in full for all services.

SECTION 1. The compensation to be allowed and paid to the several officers and clerks mentioned in this section, for the municipal year commencing on the first Monday of January, A. D. 1895, and for each succeeding year until otherwise ordered, shall be at the following rates per annum, payable in equal monthly payments unless otherwise provided, viz.: — Compensation of mayor and other officers. 1886, c. 42, §§ 7, 8.

To the mayor, one thousand five hundred dollars.

To the city clerk, two thousand two hundred dollars.

To the city treasurer, two thousand dollars.

To the city collector, one thousand five hundred dollars.

To the city auditor, one thousand two hundred dollars.

To each of the assessors, one thousand dollars.

To each of the assistant assessors, three dollars and fifty cents for each day's actual service.

To the city electrician, one thousand two hundred and fifty dollars.

To the city messenger, one thousand dollars; and to the assistant messenger, eight hundred dollars.

To the city physician, seven hundred and fifty dollars.

To the city solicitor, two hundred and fifty dollars.

To the clerk of the common council, three hundred and fifty dollars.

To the clerk of the overseers of the poor, one thousand one hundred dollars.

To the clerk and inspector of the board of health, one thousand dollars.

To the clerk of the water board, one thousand two hundred dollars.

To the clerk of the committee on military aid, three hundred dollars.

To the commissioner of streets, one thousand six hundred dollars.

To the constable at the Peabody Academy of Science, one dollar and seventy-five cents for each day's actual service.

To each election officer, seven dollars for each day's actual service; and to each deputy election officer, one dollar and twenty-five cents for each day he reports for duty.

To the engineer at the water works pumping station, one thousand five hundred dollars.

To the inspector of animals and provisions, three hundred dollars, payable in equal quarterly payments.

To each of the license commissioners, two hundred dollars, and one hundred dollars additional to the chairman thereof, for the year beginning on the first Monday in March, 1895, and for each year thereafter, payable in equal quarterly payments in the months of June, September, December and March; *provided, however*, that if at any annual municipal election hereafter held the city shall not vote to authorize the granting of liquor licenses, then such compensation shall cease from and after the first Monday in June next following such vote; and, *provided, further*, that if, subsequently, the city shall, at an annual municipal election, again vote to authorize the granting of such licenses such compensation shall be revived and shall be paid said commissioners in the same manner from and after the first day of March next following such vote. 1894, c. 428, §§ 6, 7.

To each of the registrars of voters, seventy-five dollars; and twenty-five dollars additional for clerk of the board; payable annually in December.

To the superintendent of the hay scales, three hundred dollars.

To the superintendent of lights, eight hundred dollars.

To the superintendent of public buildings, one thousand four hundred dollars.

To the superintendent of the water works, ones thousand six hundred dollars.

To the superintendents of bridges, six hundred dollars each.

Compensation of members of fire department. 1889, c. 46, § 3.

SECTION 2.* The compensation to be allowed and paid the members of the fire department, for the year commencing on the first day of April, 1895, and for each succeeding year until otherwise ordered, shall be at the following rates per annum payable in equal quarterly payments, in the months of January, April, July and October in each year, and up to the first day of said months, except where hereinafter otherwise stated, viz.:—

To the chief engineer, three hundred and twenty-five dollars.

To each assistant engineer, one hundred and seventy-five dollars.

To the secretary of the board of engineers, seventy-five dollars.

To the janitor of the steam fire engine house, on Church street, nine hundred and ten dollars, payable weekly.

To the engineers of the steam fire engines, other than the janitor of the steam fire engine house, three hundred and fifty dollars each.

*General Statutes, chapter 24, sections 18 to 20, relating to compensation of enginemen, accepted by city council December 10, 1880. See revised ordinances of 1880, chapter XXI, section 33.

To the stokers of the steam fire engines, one hundred and twenty-five dollars each.

To the drivers of each company, and the enginemen and driver of the chemical engine, and the driver of the chief engineer's team, nine hundred and ten dollars each; and to the relief driver, seven hundred and twenty dollars; payable weekly.

To all members of the several steam fire engine, hook and ladder, and hose companies, except the engineers, stokers and drivers, seventy-five dollars each, and ten dollars additional to each foreman. The assistant foreman of each company shall serve as clerk of the company without additional compensation therefor.

There shall also be allowed and paid each year thirty dollars, for the services of the steward of the hook and ladder company. All payments to members of the department shall be made to said members by the city treasurer, instead of to the treasurers of the several companies.

Members allowed additional sum equal to poll-tax paid. P. S. 35, § 22.

Members of the fire department who have done duty as such, for one calendar year preceding the first day of May, shall be entitled to receive from the city treasurer a sum equal to the poll-tax paid by them for that year, in addition to the compensation hereinbefore authorized.

Compensation of members of police force.

SECTION 3. The members of the police force shall be paid such compensation as the board of

Proviso as to fees.

aldermen shall determine; *provided, however*, that all fees taxed and allowed, and all forfeitures accruing to the city marshal, assistant marshal or any member of the force, in the First District Court of Essex, or before any trial justice, shall be paid to the city treasurer for the use of the city.

Compensation to be in full for all services.

SECTION 4. The compensation to be paid the several officers herein named, shall be in full for all services rendered by them to the city in their respective offices, unless otherwise provided; and shall be paid from the appropriation for salaries, unless an officer is connected with a department or account for which a regular appropriation is made; in which case his compensation shall be paid out of and charged to the appropriation for such department or account.

CHAPTER XIII.

AN ORDINANCE CONCERNING CONTRACTS AND LABOR.

SECTION.
1. Non-residents not to be employed as laborers. Working day for laborers.
2. Officers, boards, etc., in charge of departments to control appropriations. Contracts to be approved by the mayor.
3. Advertisements for proposals. Plans and specifications to be prepared and shown to bidders. To advertise for proposals if cost of purchases will exceed $300.
4. Contracts to be made in pursuance of vote, and record thereof to be made.
5. Contracts exceeding $300, to be accompanied by bond. Contracts to be in duplicate, and not to be altered unless etc. Extra work on contracts. Contracts to be filed.
6. Alteration of contract. Payment on contract.
7. Proposals to be sealed. When opened. Contract to be awarded lowest bidder. Bids to be preserved, and to be open to public inspection.
8. No contract to be made for more than one year, unless etc.
9. City council may authorize expenditure by special order.
10. In making contracts provision to be inserted that sums sufficient to cover unpaid claims of mechanics and laborers may be retained.
11. Officers, boards etc., not to make expenditure or incur liability until appropriation has been made. Appropriation not to be exceeded.
12. Members of city council and boards not to be interested in city contracts. Penalty.
13. Hiring of carriages.
14. Materials and supplies may be purchased for two or more departments by direction of mayor. Transfer of materials and supplies not needed, from one department to another.

Non-residents not to be employed as laborers.

SECTION 1. No person who is not a resident of Salem shall be employed as a laborer in any department of the city; and in the employment of laborers in any department of the city, preference shall be given to efficient and steady men who are citizens and have families or minor children dependent upon them for support; *provided*, that no competent and faithful laborer, who is a resident of Salem, shall be

Working day for laborers. 1890, c. 375. 1891, c. 350.

discharged to make place for another. Nine hours shall constitute a day's work for all laborers, workmen and mechanics employed by or on behalf of the city in the several departments.

Officers, boards, etc. in charge of departments to control appropriations.

SECTION 2. The several officers, boards or committees in charge of departments shall have the general supervision, control and expenditure of the appropriations made for their respective departments, unless otherwise provided by statute or ordinance;

Contracts to be approved by the mayor.

provided, however, that no officer, board or committee authorized to purchase materials or supplies, or to contract for labor to be performed, shall have the power to expend more than three hundred dollars for any one specific purpose, whether settlement for the same shall be made in one or more payments, unless it be first approved by the mayor; but nothing in this proviso shall be held to apply to contracts made with laborers or other persons ordinarily employed in the various departments, in the performance of the regular work or labor thereof, whether such contracts be by the day, month or year, nor to contracts specially authorized by the city council or the board of aldermen.

Advertisements for proposals.

SECTION 3. All advertisements for proposals and purchases shall be published in one or more papers of the city, and elsewhere if necessary, and a copy

of such advertisement shall be preserved by the board, committee or officer causing such publication. Whenever advertisements for proposals for any work to be done for the city, or for any materials or supplies to be furnished, are made, the officer, board or committee in charge of the work to be done shall cause suitable plans and specifications, and schedules of materials or supplies, to be prepared and shown to parties proposing to bid. Every officer, board and committee authorized to purchase, on behalf of the city, materials or supplies, shall advertise for proposals for the same, whenever the cost may reasonably be expected to exceed the sum of three hundred dollars, unless otherwise specially directed by the city council or board of aldermen.

Plans and specifications to be prepared and shown to bidders.

To advertise for proposals if cost of purchases will exceed $300.

SECTION 4. No contract involving the creation of an obligation against the city, exceeding the sum of one hundred dollars, shall be made by any board or committee except in pursuance of a vote duly passed by them and recorded on the records of said board or committee; and said record shall, at all times, be open to the inspection of the mayor, or any member of the city council.

Contracts to be made in pursuance of vote, and record thereof to be made. P. S. 27, § 9.

SECTION 5. Every contract exceeding three hundred dollars for any work to be done for the city, or for any materials or supplies to be furnished the city,

Contracts exceeding $300 to be accompanied by bond.

shall be accompanied by a suitable bond for the performance of the same, or by the deposit of money or security to the amount of such bond. All such contracts shall be executed in duplicate and in writing, and shall be signed on the part of the city by the mayor and by a majority of the board or committee or by the officer making the contract; and, after being signed by all the parties, no such contract shall be altered, in any particular, unless the mayor and a majority of the board or committee, and the officer, indorse on said contract over their signatures their assent to such alteration in writing. All payments for extra work shall be made at the time of the final payment on such contract. All such contracts shall be filed with the city clerk within forty-eight hours from the execution thereof.

Contracts to be in duplicate, and not to be altered unless etc.

Extra work on contracts.

Contracts to be filed.

SECTION 6. Every such contract shall provide that, in case of any alteration, so much of such contract as is not necessarily affected by the change shall remain in force upon all parties thereto. It shall also provide that no payment for work done under such alterations shall be made until the completion of the whole contract, and also that the adjustment and payment of the bill then rendered for such work shall release and discharge the city from any and all claims or liability on account of any work performed under such contract, or any alteration thereof.

Alteration of contract.

Payment on contract.

SECTION 7. No proposal shall be received from any person offering to contract for such work, unless the same is enclosed in a sealed envelope or wrapper. All proposals shall be opened at the hour and place designated in the advertisement or as soon thereafter as possible, in the presence of the officer, board or committee soliciting the same. The contract shall be awarded to the lowest bidder complying with the terms; *provided, however*, if any such proposal shall be offered by a person who cannot satisfy the officer, board or committee issuing the advertisement, that he is competent to perform the contract in a workmanlike manner, and that he is responsible in respect to his means of faithfully executing the same, such proposal may be rejected, notwithstanding the same be at a lower rate than other proposals offered for the same work, and the next higher bidder shall be substituted; *provided further, however*, that preference may be given to a resident over a non-resident contractor; and *provided, also*, in all cases, that the officer, board or committee may reject all bids and issue new advertisements. No proposal shall be accepted from or for any person who has broken a contract with the city during the three years preceding. All bids shall be preserved by such officer, board or committee but the contents thereof shall not be made known to any person other than the contracting parties, until after the contract has been awarded,

Proposals to be sealed.

When opened.

Contract to be awarded lowest bidder.

Bids to be preserved, and to be open to public inspection.

accepted by the bidder and signed by said parties, and shall then be open to public inspection.

No contract to be made for more than one year, unless etc.

SECTION 8. No officer, board or committee shall make any contract in behalf of the city the execution of which will necessarily extend beyond one year from the date thereof, unless special permission so to do has been given by vote of the city council, or of the branch thereof having authority therein, or by the statutes of the commonwealth.

City council may authorize expenditure by special order.

SECTION 9. The city council, whenever they deem it expedient, may by a special order, dispense with the foregoing provisions and authorize the expenditure of money, or the creation of an obligation against the city, without any of the formalities hereinbefore specified, unless contrary to statute.

In making contracts provision to be inserted that sums sufficient to cover unpaid claims of mechanics or laborers may be retained. 1892, c. 270.

SECTION 10. In every contract entered into on behalf of the city, and involving the employment of mechanics or laborers by the contractor, or furnishing of materials, a provision shall be inserted to the effect that the officer, board or committee making such contract may, if he or it deems it expedient so to do, retain, out of any amounts due to such contractor, sums sufficient to cover any unpaid claims of mechanics or laborers for work or labor performed, or materials furnished under such contract, for

thirty-five days after the completion of the work under the contract.

Officers, boards, etc., not to make expenditure or incur liability until appropriation has been made.

Appropriations not to be exceeded.

SECTION 11. No officer, board or committee shall, unless specially authorized thereto by statute, make any expenditure or incur any liability on behalf of the city for any purpose or object, until an appropriation sufficient to meet such expenditure or liability, has been made therefor; nor shall any officer, board or committee exceed any specific appropriation made for his or their department.

Members of city council and boards not to be interested in city contracts. P. S. 205, § 12.

SECTION 12. If a member of either branch of the city council, or of any municipal board of the city, is personally interested, either directly or indirectly, in a contract in which the city is a party interested, and which is made by said city council, or by either branch thereof, or by such board or authority derived therefrom, respectively; or if a person who alone or with others represents the city in making such contract is so interested; or if such member or person directly or indirectly for himself or any other person receives a commission, discount, bonus, present or reward, from any person or persons making or performing such contract, he shall be punished by a fine of not less than fifty dollars nor more than one thousand dollars, or by such fine and imprisonment not exceeding one year, as provided by statute.

Penalty.

Hiring of carriages.

SECTION 13. No carriage shall be hired at the expense of the city except upon an order signed by the mayor, the president of the board of aldermen, the president of the common council, or the acting chairman of a board, or of a committee of the city council. Said order shall state the purpose for which the carriage is required, and shall be presented with the bill therefor as a voucher.

Materials and supplies may be purchased for two or more departments by direction of mayor.

SECTION 14. Materials and supplies may, by direction of the mayor, be purchased for two or more departments by such board, officer, or officers as he may designate, and distributed in such manner as he may direct; and separate bills shall be made by the party furnishing such materials or supplies for each department so furnished.

Transfer of materials and supplies not needed, from one department to another.

Whenever any department has in its possession materials, products or supplies which are not needed or desired by such department, and the same can be utilized to advantage by some other department of the city, the mayor may direct that the same shall be transferred from, and credited to, the department having the same, to such other department, and utilized as aforesaid.

CHAPTER XIV.

AN ORDINANCE CONCERNING ELECTRIC WIRES.

SECTION.
1. Election of city electrician.
2. Electrician to inform himself as to location of wires, and report everything hazardous.
3. Electrician to inspect condition of poles, and examine applications for erection of wires and poles. Kind of poles to be used.
4. Electrician to have care of city wires and electrical apparatus, purchase electrical appliances, and keep same in good order.
5. To inspect wires and see that the same have proper tags and marks. Notice when wire is unsafe, etc. To keep map and record showing location of wires, etc.
6. Regulations concerning wires over streets or buildings.

SECTION.
7. Electrical department and committee.
8. Construction of conduits.
9. Regulations for such construction.
10. Surface of street not to be disturbed without permit.
11. Surface of street to be restored to satisfactory condition.
12. Laying of conduit not to interfere with wires or pipes.
13. When city pipes or works are to be constructed or repaired, location of conduits to be changed if necessary.
14. Conduits not to be removed without consent.
15. Permit not to be valid until company has filed agreement. Conditions.
16. Company to give bond.

SECTION 1. The city council shall annually in the month of January elect by ballot in concurrence, a city electrician. He shall hold his office for one year from the first day of February in the year of his election, and until his successor is elected, unless sooner removed, and he may be removed, and a vacancy in the office may be filled, at any time by concurrent vote of the city council. He shall receive such compensation as the city council may from time to time determine.

Election of city electrician.
P. S. 109.
1883, c. 22.
1884, c. 302.
1884, c. 306.
1887, c. 382.
1889, c. 398.
1889, c. 434.
1890, c. 404.
1892, c. 274.

SECTION 2. The city electrician shall inform himself as to the location of all telegraph, telephone, or

Electrician to inform himself as to

location of wires, and report everything hazardous.

other electric lines or wires within the city, and as to the situation and condition of electrical appliances, and report to the mayor everything he considers hazardous, as well as all violations of any law or ordinance connected with such location or any change therein.

Electrician to inspect condition of poles, and examine applications for erection of wires and poles.

SECTION 3. He shall, at least once in each year, thoroughly inspect the condition of all poles or posts carrying electric or other wires upon or over the streets in the city, in order to ascertain that they are free from decay or any injury rendering them dangerous, and shall, when required by the mayor or board of aldermen, examine every application for the erection of any wire, or the erection or construction of poles or posts for the support thereof, in, under or over any street, way or public place, and report to them all facts which, in his opinion, bear upon the question of granting or refusing such application. Every permit hereafter granted by the board of aldermen for the erection or relocation of wooden poles or posts for the support of wires in any street, shall be upon condition that every such pole or post shall be of hard pine wood, trimmed, planed and smoothly and neatly finished and painted.

Kind of poles to be used.

Electrician to have care of city wires

SECTION 4. Said electrician shall under direction of the committee on electrical affairs have the care

and management of the erection and maintenance of all wires owned by the city, including the fire alarm, telegraph and police electric signal and telephone systems, the apparatus, machinery and other property connected therewith, and the posts and other supports erected or owned, or hereafter erected, by the city. He shall purchase under the direction of the committee on electrical affairs and set up all the wires, posts, supports, dynamos, machinery and other electrical appliances required by the city in all its departments, and see that the same are maintained and kept in good order and condition.

and electrical apparatus, purchase electrical appliances, and keep same in good order.

SECTION 5. He shall inspect and supervise every cable and wire, in, under or over streets or buildings, every such wire where it enters a building, and every such wire within a building when such wire is designed to carry an electric light or power current; shall see that every such wire and cable, except the wires of a street railway company used for the transmission of its motive power or for the protection or support of wires so used, has affixed to it, at its point of support a tag or mark distinctly designating the owner or user of such wire or cable; shall notify the person or corporation owning or operating any such cable or wire whenever its attachments, insulations, supports or appliances are unsuitable or unsafe, or the tags or marks thereof are insufficient or illegible;

To inspect wires and see that the same have proper tags and marks.

Notice when wire is unsafe, etc.

and shall at the expense of the city, remove every such cable or wire abandoned for use, and every such cable or wire unprovided with a tag or mark as herein before required; such expense to be repaid by the owner of such cable or wire. He shall make, or cause to be made, and keep in his office, a map of the city, showing the location of every cable and wire in, over or under the streets, and of all places where electricity to be transmitted by any such cable or wire is manufactured or produced; shall keep a record, showing the names of the owners of such cables, wires, places and machinery, and descriptions of such machinery, and shall see that all laws, ordinances, and regulations relating to such cables and wires are strictly observed and enforced.

To keep map and record showing location of wires, etc.

Regulations concerning wires over streets or buildings.

SECTION 6. Every person or corporation, private or municipal, owning or operating a line of wires over streets or buildings in the city, shall use only wires that are suitable and strong; shall suitably and safely attach them to strong and sufficient supports, and insulate them at all points of attachment; shall remove all wires abandoned for use; shall suitably insulate every wire where it enters a building, and, if such wire is other than a wire designed to carry an electric light or power current, shall attach to it at suitable and convenient points in the circuit, calculating to prevent danger from fire and near the place

of entering the building, an appliance calculated to prevent at all times a current of electricity of such intensity or volume as to be capable of injuring electrical instruments or causing fire from entering the building by means of such wire, beyond the point at which such appliance is attached, and shall suitably insulate every wire within a building when such wire is designed to carry an electric light current.

Electrical department and committee.

SECTION 7. The electrical department shall be under the general charge and supervision of a committee of the city council consisting of two members of the board of aldermen and three members of the common council, and called the joint standing committee on electrical affairs. Said committee shall have charge of all wires belonging to the city, and the maintenance thereof, and all work upon wires belonging to persons or corporations other than the city, which is required to be done under the statutes of the commonwealth or the ordinances of the city, shall approve all bills for the same, and in cases where persons or corporations are required to reimburse the city for money expended in such work, said committee shall see that such moneys are collected.

Construction of conduits.

SECTION 8. The board of aldermen may authorize any telephone, telegraph, electric light, electric power or street railway company to construct and maintain

underground conduits, cables and wires for the conduct of the business of such company, in such of the streets of the city as said board may deem advisable, and to construct therein and maintain the necessary manholes and house connections, and to erect and maintain distributing poles at the termini of said conduits, and at suitable distributing points; and may give such authority under such conditions, restrictions and limitations as the said board may impose, to be expressed in the license or permit.

Regulations for such construction.

SECTION 9. Said conduits shall be of such kind and construction as said board shall approve, and the work shall be done in a thorough manner, and to the approval of the commissioner of streets. Said distributing and other poles shall be of the form and material specified in section three, and their height and other dimensions and location shall be satisfactory to the board of aldermen, and subject to their approval, or the approval of any person or persons selected by said board.

Surface of street not to be disturbed without permit.

SECTION 10. The surface of a street shall not be disturbed for the purpose of laying, repairing or removing wires, or conduits, or erecting or removing distributing or other poles, without a permit from the board of aldermen, indicating the time, manner and place of opening such street, and the time within

which such work shall be completed; but this provision shall not be construed as requiring any permit for the opening of manholes for the purpose of drawing in, removing or repairing wires and cables.

Surface of street to be restored to satisfactory condition.

SECTION 11. When an opening is made in a street for any of the purposes aforesaid, the portion of the street so opened shall be restored to a condition satisfactory to the commissioner of streets and shall be maintained in such condition for one year thereafter, and if not so restored and maintained by the company performing the work, said commissioner shall cause the same to be restored and maintained at the expense of said company.

Laying of conduit not to interfere with wires or pipes.

SECTION 12. No company or other person in laying, repairing or removing its wires or conduits shall disturb, or in any way interfere with street railway or electric light wires, or any other wires, or with any gas or water pipes, or sewers, or pipes therewith connected.

When city pipes or works are to be constructed or repaired, location of conduits to be changed if necessary.

SECTION 13. Whenever the city shall repair, construct or enlarge sewers, water pipes or other public works in streets where conduits or cables are laid thereunder, and changes in the location of such conduits or cables will be rendered necessary or expedient, such changes shall be made at the expense of the company owning such conduits or cables.

Conduits not to be removed without consent.

SECTION 14. No company or other person shall remove its conduits or cables without the consent of the board of aldermen, but every such company or person shall remove its conduits or cables to other suitable locations whenever ordered to do so by the board of aldermen.

Permit not to be valid until company has filed agreement.

SECTION 15. No permit shall be granted, or if granted shall be valid, to disturb the surface of a street for any of the purposes aforesaid, until the company applying therefor has executed an agreement in writing and in a form satisfactory to the city solicitor, and has filed said agreement in the office of the city clerk, providing:—first: That in every underground conduit constructed by any telephone or telegraph company sufficient and necessary space shall be reserved and maintained free of expense, for the use of the fire, police and other signal wires belonging to the city and used exclusively for municipal purposes, and that the city electrician, or any person authorized by him, shall be allowed access to said conduits at all times, and facilities and privileges in putting in or taking out wires equal in all respects to those of such company; and that in every underground conduit constructed by any electric light company, sufficient and necessary space shall be reserved free of expense, for the use of the electric lighting wires then or thereafter belonging to the

Conditions.

city, and used exclusively for municipal purposes, and that the city electrician or any person authorized by him, shall be allowed access to said conduits at all times, and facilities and privileges in putting in or taking out electric lighting wires equal in all respects to those of such company.

Second, that such company will indemnify and save harmless the city against all damages, costs and expenses whatsoever to which the city may be subjected in consequence of the acts or neglects of such company, its agents or servants, or in any manner arising from the rights or privileges granted it by the city.

Company to give bond.

SECTION 16. In addition to the aforesaid agreement, such company shall, before a street is disturbed for the laying of its wires, or conduits, execute a bond with surety or sureties to be approved in writing by the city solicitor and filed in the office of the city clerk, in a penal sum of not less than ten thousand dollars, conditioned to fulfil all its agreements with the city and its duties under this ordinance and all ordinances in addition thereto or in amendment thereof; and a new bond of like import may at any time be required of such company by the board of aldermen, which new bond shall be a strengthening bond, unless the surety or sureties on former bonds are expressly released from further liability by vote of said board.

CHAPTER XV.

AN ORDINANCE RELATING TO FINANCE.

SECTION.

COMMITTEE ON ACCOUNTS; CITY AUDITOR.

1. Appointment of committee on accounts. Meetings and duties.
2. Election of auditor.
3. All accounts to be presented, certified and approved. Disapproval of accounts. Weekly payments and pay rolls. Meetings for approval of accounts.
4. Auditor to receive and examine accounts. Other duties. When appropriation is exhausted, notice to be given. Auditor.
5. Manner of keeping accounts. To prepare monthly statement, showing condition of accounts.
6. Auditor to countersign bonds, orders, etc. To make annual report. Financial year. Notice for presentment and payment of accounts to be published in November. Compensation of auditor and office hours. Auditor to act as clerk of all committees.

ACCOUNTS.

7. Mayor authorized to draw orders on treasurer for payment of all accounts approved, etc. Provisos.
8. No money to be paid out of city treasury except upon order of the mayor. Proviso.

CITY TREASURER.

9. Election of city treasurer.
10. Treasurer to receive and care for all moneys, to sign bonds and notes, and to negotiate loans.
11. Treasurer to pay drafts and sums due on bonds, notes, etc.
12. Treasurer to receive sums payable to him for dog licenses, and the same to be credited to schools.
13. Cash to be deposited at interest in banks approved by committee on finance.
14. Treasurer to keep accurate accounts and make monthly report to auditor.
15. To give bond.
16. To make annual report.
17. Office hours.

CITY COLLECTOR.

18. Election of city collector.
19. Compensation and fees. To transmit monthly statement to auditor.
20. All accounts to be collected by the city collector. Proviso. Collection of rents, water rates, etc.
21. Collector to pay city treasurer daily all moneys received, and to notify auditor of amount of tax lists, assessments, abatements, etc.
22. Collection of assessments for sewers and sidewalks.
23. Tax bills to be made out and distributed. Taxes, when payable. Proviso.
24. Redemption of real estate sold for non-payment of tax or other assessment.
25. Collector to give bond.
26. To make annual report.
27. Office hours.

SECTION.

COMMITTEE ON FINANCE.

28. Appointment of committee on finance.
29. Committee to negotiate all loans. To prepare estimates of money necessary to be appropriated. Committee to have access to books, etc. After annual tax order is presented no expenditure other than by transfer to be authorized except by two-thirds vote creating a city debt. Proviso. Every order appropriating money to state from what fund it is to be taken, and to designate the officer or board to expend same.
30. Committee to prepare and present annual tax order.
31. Estimates and orders to be first presented in the common council.

COMMITTEE ON ACCOUNTS; CITY AUDITOR.

Appointment of committee on accounts.

SECTION 1. There shall be appointed annually in the month of January, a joint standing committee on accounts, consisting of two members of the board of aldermen, and three members of the common council. The members of said committee shall be appointed by that branch of the city council to which they respectively belong, according to the rules and orders thereof. The committee shall meet once a month, and as much oftener as they may deem expedient, and shall carefully examine all accounts and claims against the city which shall be laid before them by the auditor, and compare them with his record. The committee on accounts shall direct the auditor, the treasurer, collector and other officers of the city and heads of departments, as to the manner in which the accounts, and the books, records and papers relating to such accounts in their several departments, shall be kept; and at the close of each financial year, and as much oftener as said committee may deem expedient, they shall cause the accounts of all city

Meetings and duties.

officers to be audited and certified by the auditor, and shall make a report at the close of said year to the city council of the condition of all such accounts and the manner in which they have been kept during said year. For the purpose of auditing the accounts as aforesaid the auditor and committee shall have access to all the books and vouchers in the possession of any officer of the city.

Election of auditor.

SECTION 2. The city council shall upon the passage of this ordinance and thereafter annually in the month of January elect by ballot in concurrence, a competent person to be auditor of accounts, and he shall be sworn to the faithful discharge of the duties of the office. He shall hold his office for the term of one year from the first day of February in the year of his election, and until his successor is elected and qualified, but may be removed at any time by concurrent vote of the city council, and a vacancy in the office may be filled for the unexpired term in the manner above provided for the annual election.

All accounts to be presented, certified and approved.

SECTION 3. All accounts and other claims against the city, other than judgments rendered by the courts, and except as hereinafter provided, shall be presented on or before the last Monday in each month to the executive officer, board or committee contracting or authorizing the same, and when any

such account or claim shall be against more than one department of the city, a separate account or claim shall be presented for each department, and the correctness of each account or claim shall be certified thereon by the officer or person who contracted the same. The several executive officers, boards and committees shall within the seven days previous to the first Monday of each month approve all accounts and claims in their respective departments which are found to be correct, and said officers and a majority of each of said boards or committees, except the overseers of the poor and the school committee shall certify, by their signatures upon such accounts and claims, their approval of the same, present them to the appropriate committee of the city council or board of aldermen for inspection, and pass them to the auditor on or before the morning of the first Monday in each month. All accounts and claims approved by the overseers of the poor and school committee shall be certified by the clerk or secretary of the board and at least three members of each board, and passed to the auditor as aforesaid. No account or claim shall be approved by any board or committee, except at a meeting of which all the members have been notified, and at which there is a majority present, and all rejected accounts and claims shall be returned to the claimant by the auditor. When any committee of the city council or board of

Disapproval of accounts.

aldermen has any doubt concerning the propriety or correctness of an account or claim presented to it for inspection, it shall, if the same be not satisfactorily explained, indorse its disapproval thereon, and report the fact of such disapproval, with the reasons therefor, to said council or board at its next meeting.

Weekly payments and pay rolls.

All city employees in the departments of health; lamps and lighting; streets, bridges and sewers; public property; water works; and police; shall be paid weekly, and the pay rolls therefor shall be made up each Saturday for the whole week, including that day, and the pay days at the city hall for all such employees shall be every Wednesday, unless such day occurs upon a legal holiday, in which case the next preceding day shall be the pay day. Other pay rolls shall be made up to include the last day of each month, and the pay day for the same and for accounts and claims shall be on the second Monday of each month, or the day following if such Monday occurs on a legal holiday; *provided, however*, that the pay day for military aid shall be the last Friday of each month.

Meetings for approval of accounts.

All executive boards and committees shall hold regular meetings within the seven days previous to the first Monday in each month for the examination and approval of accounts and claims.

Auditor to receive and examine accounts.

SECTION 4. The auditor shall receive all such accounts and claims as have been approved and certified as provided in section three of this ordinance,

and shall carefully examine the same and see that they are correctly cast and properly approved, and that the bills for the same are separately made out when belonging to different departments; and present them neatly folded, filed, labelled and recorded to the committee on accounts. In case of any error or informality, he shall make note of the fact, and return the account or claim with the objections, to the officer, board or committee presenting the same, and when the auditor has any doubt concerning the propriety or correctness of such account or claim, if it be not satisfactorily explained, he shall refer the same at once to the committee on accounts for consideration and final decision. He shall keep books in manner and form acceptable to the committee on accounts, wherein he shall record the date and amount of every account and claim against the city presented as aforesaid, and as finally corrected and allowed, and also the name of the person to whom the same shall be allowed, designating the fund or appropriation from which the same shall be paid. When the regular monthly accounts against the city for services rendered or supplies furnished, shall have been recorded by the auditor, and examined and approved by the committee on accounts, the draft or order upon the city treasurer for the payment of the aggregate amount of the same shall be signed by the mayor and countersigned by the auditor.

Other duties.

Manner of keeping accounts.

SECTION 5. The auditor shall keep his accounts in such form and in such detail as will clearly exhibit all receipts and expenditures. He shall open an account with every appropriation made by the city council, and shall credit each account with its appropriations for the financial year, and with all revenue received on account of the same, and shall charge against each account the expenditures as they shall, from time to time, be allowed. Whenever an appropriation is exhausted, he shall give immediate notice thereof in writing, to the mayor and city council, and to the officer, board or committee authorized to expend the appropriation, and he shall not pass or allow any account or claim chargeable against such appropriation, until the city council provides the means of paying the same. The auditor shall, once in each month, prepare a statement showing the condition of each city account, and giving the amount of appropriations and receipts, expenditures and balances remaining unexpended under the same, and shall furnish a printed copy thereof to the mayor and each member of the city council.

When appropriation is exhausted, notice to be given.

Auditor to prepare monthly statement, showing condition of accounts.

Auditor to countersign bonds, orders, etc.

SECTION 6. The auditor shall countersign all the bonds, notes and certificates of indebtedness issued for loans to the city, authorized by the city council, and also all orders drawn by the mayor on the treasurer, as provided in section seven. He shall report

to the city council annually, on the fourth Monday of December, a statement of the receipts and expenditures during the preceding financial year, giving in detail the amount of appropriations and expenditures, the names of the persons to whom, and the purpose for which, such expenditures were made, with the amounts thereof, and the receipts in detail from each source of income; and the whole shall be arranged, as far as practicable, so as to conform to the accounts of the treasurer, and so as to show the increase or decrease from the expenditures of the preceding year. He shall include in said report a statement of the funded and temporary loans, and the rate of interest thereon, and shall exhibit all the liabilities and assets as shown on the books in his office at the close of the financial year. The financial year shall begin on the first day of December and end on the thirtieth day of November, and the auditor shall make up his accounts to include the last day of November annually. On or before the tenth day of November in each year, he shall cause to be inserted in two or more newspapers in the city a notice that all accounts against the city for the financial year, are required to be presented, and all sums due the city to be paid, on or before the last Monday of said November. The auditor shall receive for his services such compensation as the city council may determine, and he shall have an office in the city hall

To make annual report.

Financial year.

Notice for presentment and payment of accounts to be published in November.

Compensation of auditor and office hours.

which shall be kept open for business every day except Sundays and holidays from half past eight o'clock, A. M. to two o'clock P. M. The city auditor shall act as clerk of all committees, standing or special, of the city council, or either branch thereof, except the committee on military aid and except as otherwise provided by ordinance or order of the city council. He shall record in books kept for the purpose, all proceedings and transactions, and keep a calendar, of all meetings of the committees of which he is clerk, and, when requested by the chairman, notify the members thereof. He shall draw such orders and, reports and render such assistance, as such committee shall require.

Auditor to act as clerk of all committees.

ACCOUNTS.

Mayor authorized to draw orders on treasurer for payment of all accounts approved etc. Provisos.

SECTION 7. The mayor is hereby authorized to draw orders on the city treasurer for the payment of all accounts and claims, approved and certified as required by this ordinance and no other; *provided, however*, that he may draw his order to pay any sum not exceeding three-fourths of the amount then due, as an advance on contracts made, or on work begun but not completed, upon being satisfied of such necessity, and upon a certificate to that effect signed by the officer, board or committee controlling the expenditure but within the sum specially appropriated therefor by the city council; or draw his order for

any sum upon the express order of the city council; and, *provided, further*, that he shall draw his order for the weekly payment of the wages of such employees as are to be paid weekly, the amounts of such wages to be entered upon pay rolls which shall be certified to as correct by the officer in charge of the department, or in case the department is under the charge of a board or committee they shall be so certified by some officer designated by said board or committee, but all such amounts shall be within the appropriation to which the same shall be chargeable; and *provided, further*, that he shall draw his order for the payment of the salaries of the teachers of the public schools and the sums due for military aid, the amounts of such salaries to be entered upon pay rolls which shall be certified to be correct by the school committee, and the amounts of such sums for military aid to be entered upon pay rolls, which shall be certified to be correct by the committee on military aid and approved by the board of aldermen, such amounts to be within the appropriation to which the same shall be chargeable; and *provided, further*, that he may draw his order on the treasurer for the payment of any claim which has been settled and adjusted by the committee on claims, under the ordinance prescribing the powers and duties of said committee, or for the settlement of any judgment rendered against the city; or for the payment of any

account or claim on account of the trust funds which has been approved in the manner required by the ordinance concerning trust funds.

No money to be paid out of city treasury except upon order of the mayor. 1836, c. 42, § 8.

SECTION 8. No money shall be paid out of the city treasury, except upon the written order of the mayor, signed by him addressed to the treasurer, and countersigned by the auditor, and designating the fund or appropriation from which the order is to be paid; *provided, however*, that the city treasurer may pay, before such order is drawn, any sum of money due on the principal or interest of any note, bond or other security of the city. No order shall be drawn in excess of the sum appropriated by the city council for that department or account. Whenever such order is drawn, the auditor shall charge it under the appropriate head of expenditure, and report the same and the amount thereof to the committee on accounts at its next meeting.

Proviso.

CITY TREASURER.

Election of city treasurer. 1836, c. 42, § 8.

SECTION 9. The city council shall annually in the month of January elect by joint ballot in convention a city treasurer, who shall be sworn to the faithful discharge of his duties. He shall hold his office for one year from the first day of February in the year of his election and until his successor is elected and qualified, or until he is removed, and he may be

removed at any time by concurrent vote of the city council. A vacancy in the office may be filled at any time for the remainder of the term by the city council in the manner provided for the annual election. The treasurer shall receive such compensation as the city council may determine.

Treasurer to receive and care for all moneys, to sign bonds and notes, and to negotiate loans.

SECTION 10. The city treasurer shall receive, receipt for and have the care and custody of the funds of the city, and also of all moneys, property and securities which may be in his charge by virtue of any statute or ordinance, or by virtue of any gift, device, bequest or deposit. He shall sign all bonds, notes and certificates of indebtedness issued for loans to the city and authorized by the city council, and he shall, under direction of the committee on finance and appropriations, negotiate all loans authorized by the city council.

Treasurer to pay drafts and sums due on bonds, notes, etc.

SECTION 11. The city treasurer shall pay all drafts, directed to him in accordance with the provisions of this ordinance, for the payment of accounts and claims against the city; and shall, on presentation pay any sum of money due on the principal or interest of any note, bond or other security of the city.

Treasurer to receive sums

SECTION 12. The city treasurer shall receive all

payable to him for dog licenses, and the same to be credited to schools. P. S. 102, § 107.

sums of money payable to him by the county treasurer from the sums received for dog licenses, and the same shall be forthwith credited to the appropriation for the public schools.

Cash to be deposited at interest in banks approved by committee on finance.

SECTION 13. The city treasurer shall keep his cash balances of all moneys on deposit at interest, and in such banks as the committee on finance and appropriations shall approve, and shall credit the sum or amount received for interest on deposits to his miscellaneous cash receipts on city account.

Treasurer to keep accurate accounts and make monthly report to auditor.

SECTION 14. The city treasurer shall keep, in books provided for that purpose, an accurate and true account of all his receipts and payments, making the same conform as nearly as may be with the accounts kept by the city auditor. He shall credit each department or account with all sums received on its account, and shall charge to each all sums paid out on such accounts. He shall, on the first day of every month, report to the auditor a written statement of all his receipts and disbursements during the preceding month, stating the aggregate amount for each department or account. He shall not pay any money out of the treasury except upon orders of the mayor drawn in the manner prescribed by this ordinance, or except for special purposes as provided in section eleven.

SECTION 15. The city treasurer shall give a guarantee bond for the faithful performance of the duties of his office in the sum of thirty thousand dollars, to be approved by the board of aldermen, and from a fidelity company satisfactory to said board. To give bond.

SECTION 16. The city treasurer shall make up his annual accounts to include the thirtieth day of November; and shall annually, on the fourth Monday of December, render to the city council, a true account of all his receipts and payments, and other official doings, during the preceding financial year. To make annual report.

SECTION 17. The office of the city treasurer shall be open every day, excepting Sunday and the usual holidays, for the transaction of business, from 8.30 o'clock A. M. until 2 o'clock P. M. Office hours.

CITY COLLECTOR.

SECTION 18. The city council shall in the month of March or April 1895, or as soon thereafter as possible, elect by joint ballot in convention a city collector, who shall hold office from the first day of the month next following his election, until the first day of February, 1896. In the month of January, 1896, and thereafter annually in the month of January the city council shall elect in the manner aforesaid a city collector who shall hold office for one Election of city collector.

year from the first day of February in the year of his election. The collector so chosen shall be sworn to the faithful discharge of the duties of his office, and shall continue in office until his successor is elected and qualified, or until he is removed, and he may be removed at any time by concurrent vote of the city council. A vacancy in the office may be filled at any time by the city council in the manner provided for the annual election. The city treasurer elected in January, 1895, to serve as city treasurer and collector shall continue to perform his duties as such collector until the election and qualification of the city collector elected in March or April, 1895, or subsequently thereto as above provided, when the tax lists and all other books and papers relating to the office of collector shall be committed to his successor, as provided by statute.

P. S. 12, § 81.

Compensation and fees.

SECTION 19. The city collector shall receive such compensation as the city council may determine. All fees, charges and commissions of every kind allowed by law, for the collection of taxes, betterments, rates and assessments of every kind, shall be collected and paid by him to the city treasurer for the use of the city. At the end of each month he shall transmit to the auditor a written statement subscribed by him of all fees, charges, costs and commissions of every kind and description, allowed by law received by him

To transmit monthly statement to auditor.

for collection of taxes, rates, betterments, assessments, or otherwise during that month, and shall certify thereon that all moneys so received by him have been paid to the treasurer. He shall be paid on the approval of the board of aldermen such reasonable sums from time to time as will reimburse him for necessary expenses incurred in the duties of his office.

All accounts to be collected by the city collector.

SECTION 20. The several officers and departments of the city shall cause to be delivered to the city collector for collection, all accounts against persons indebted to the city; and no such officer or department shall receive payment of any such account, and the receipt of the collector shall be deemed the only sufficient and valid discharge of debts due the city; *provided, however*, that the duties of the city clerk as to money received for licenses, and the duties of the superintendent of the hay scale as to fees received for weighing, shall not be hereby affected. The city collector shall collect all rents, water-rates, betterments, assessments, and all other sums payable to the city, not otherwise specially provided for. He shall, in the month of June in each year, notify all persons assessed for the use of water, that the annual bills for water-rates are due and payable at his office on the first day of July, and he shall give notice of and collect all other bills on account

Proviso.

Collection of rents, water-rates, etc.

of the water works, which may be placed in his hands by the clerk of the water board. He shall send to the clerk of the water board daily a true statement of his receipts on account of the water works, with the number and amount of each bill collected.

Collector to pay city treasurer daily all moneys received and to notify auditor of amount of tax lists, assessments, abatements, etc.

SECTION 21. The city collector shall pay to the city treasurer daily all moneys received by him on account of the city, and at the end of each month he shall notify the city auditor of the amount of all tax lists, or assessments committed to him for collection, with the amount of abatements made thereon, and the sums paid to the city treasurer on such accounts.

Collection of assessments for sewers and sidewalks.

SECTION 22. Whenever any assessments or charges for defraying the expenses of constructing or repairing main drains or common sewers, or of completing sidewalks, are delivered to the collector for collection, he shall forthwith make demand in writing for the payment thereof; and if the same remain unpaid for three months after such demand, he shall collect the same according to law.

Tax bills to be made out and distributed.

SECTION 23. The city collector shall, as soon as possible after receiving any tax list and warrant, make out and distribute tax bills, showing the taxes assessed upon each tax-payer. All state, county and

city taxes committed by the assessors to the collector shall be payable on or before the fifteenth day of September in the year in which the list of said taxes is committed as aforesaid. Upon all taxes remaining unpaid on the fifteenth day of October, interest shall be charged at the rate of seven per centum per annum until such taxes are paid; and on the first day of November the collector shall issue his summons to all persons whose taxes are unpaid for the current year, and in case said taxes are not paid with the interest due thereon and twenty cents additional for said summons, within fourteen days after issuing said summons, he shall then proceed to collect the same according to law; *provided, however*, that upon taxes assessed upon the shares of banks and other corporations under authority of section nine, chapter thirteen of the public statutes, interest shall be charged at the rate of twelve per centum per annum on all such taxes remaining unpaid after said fifteenth day of October, until the same are paid.

Taxes, when payable.

Proviso.

SECTION 24. Whenever any person entitled by law to redeem any real estate, held by the city under a sale, or taken for non-payment of a tax or other assessment, shall have paid to the collector all sums due the city in respect of said real estate, by reason of such sale or taking, and all subsequent taxes or assessments thereon due and unpaid, with interest

Redemption of real estate sold for non-payment of tax or other assessment.

and all incidental costs and charges, the mayor, upon being satisfied of such facts, shall in the name and behalf of the city execute a quit claim deed, releasing said real estate to the person entitled to redeem the same, or to any other person designated by such person. Said deed shall be countersigned by the collector who shall deliver the same upon payment of all sums due as aforesaid.

Collector to give bond.

SECTION 25. The city collector shall give a bond for the faithful performance of the duties of his office in the sum of thirty thousand dollars to be approved by the board of aldermen and from a fidelity company satisfactory to said board.

To make annual report.

SECTION 26. The city collector shall annually on the fourth Monday of December render to the city council a full and complete report of the business of his office for the preceding financial year.

Office hours.

SECTION 27. The office of the collector shall be open every day, excepting Sunday and the usual holidays, for the transaction of business, from 8.30 o'clock A. M. to 2 o'clock P. M., and also during the hours that the registrars of voters are holding sessions for the registration of voters.

COMMITTEE ON FINANCE.

Appointment of committee on finance.

SECTION 28. There shall be appointed annually in the month of January, a joint standing committee on finance and appropriations, consisting of the mayor, three members of the board of aldermen, the president of the common council and three other members of the common council. The members of said committee, other than those herein specially designated, shall be appointed by that branch of the city council to which they respectively belong, according to the rules and orders thereof.

Committee to negotiate all loans.

SECTION 29. Said committee shall cause the city treasurer to negotiate all loans that shall be authorized by the city council, in such manner as they shall deem best; and they shall annually, on or before the second Monday of March, prepare and lay before the city council, a printed estimate in detail of the sums of money necessary to be appropriated for the current financial year, for the various departments and accounts together with an order appropriating such sums, which shall set forth in detail, so far as the same is practicable, the specific purpose or purposes for which the money is appropriated. Said committee shall also annually on or before the second Monday of November, prepare and present to the city council, a similar estimate of the sums of money

To prepare estimates of money necessary to be appropriated.

necessary to be appropriated for the ensuing months of December, January and February and an order appropriating the same, which shall be similar in form to the order to be submitted in March and subject to the same restrictions. The several executive officers, boards and committees of the city government, shall submit their books and vouchers, and furnish any information to the committee on finance and appropriations that it shall require in making the aforesaid estimates. After the annual tax order has been presented to the city council as provided in section thirty, no subsequent expenditure shall be authorized for any purpose not properly chargeable to some existing appropriation unless provision for the same be made by specific transfer from some of the appropriations contained in the annual order, or by expressly creating therefor a city debt; but no such expenditure to be met by creating a city debt shall be authorized, and no such debt shall be created, unless the order authorizing the same shall pass by the votes of two-thirds of the whole number of each branch of the city council, voting by yea and nay; *provided, however*, that any unappropriated funds in the city treasury may be appropriated by a joint order of the city council, after the annual order of appropriations has been passed. Every order or vote appropriating or authorizing the expenditure of money shall specifically state from what fund the amount so appropriated or

Committee to have access to books, etc.

After annual tax order is presented no expenditure other than by transfer to be authorized except by two-thirds vote creating a city debt.

Proviso.

Every order appropriating money to state from what fund it

authorized to be expended shall be taken, and shall designate the officer, board or committee authorized to expend the same.

is to be taken, and to designate the officer or board to expend same.

SECTION 30. The committee on finance and appropriations, shall, on or before the second Monday in July in each year, prepare and present to the city council, an order for levying and collecting the annual tax.

Committee to prepare and present annual tax order. P.S. 11, §§ 32, 34.

SECTION 31. Said estimates and orders when submitted to the city council as aforesaid, shall be presented in the common council.

Estimates and orders to be first presented in the common council.

CHAPTER XVI.

AN ORDINANCE RELATING TO THE FIRE DEPARTMENT.

SECTION.
1. Fire department, how constituted.
2. Election of chief engineer and assistants.
3. Organization of board of engineers. Secretary. General powers and duties of board. Apparatus to be kept in repair. Provisos. Reservoirs. Board may make rules and regulations.
4. Powers and duties of chief engineer. Senior engineer to have power in absence of chief. Permanent men to perform duties requiredby chief. Certification of bills. To make annual report.
5. Duties of foreman. Order and discipline. Company rolls and record. Returns to be made. On arrival at fire to report to chief. Officer next in rank to command in absence of foreman.
6. General regulations in case of fire.
7. Companies, how constituted. Chemical engine. Relief driver. Term of service. Appointments. Certificate of membership. Qualifications for membership. Call members to be retired at age of sixty years.
8. Appointment of janitor at central station.
9. Rules and regulations of companies. Company officers.
10. Quarterly pay-rolls. Examination of rolls. Vacation.

SECTION.
11. Transfer of members.
12. Absence from fires, and violation of ordinance, cause for discharge.
13. Neglect of duty, disorderly conduct etc., cause for suspension.
14. Record to be kept of removals and suspensions.
15. Badges. Members of city council and fire clubs may enter fire lines.
16. Fire-ladders not to be taken from place of deposit.
17. Penalty for causing false alarm of fire.
18. Gambling and intoxicating liquors forbidden in fire department buildings.
19. Fire department houses for use of members only, congregating on sidewalk prohibited.
20. Parade for exercise and inspection.
21. No company to leave city without permit. Permission not to include apparatus.
22. No company to leave city in case of fire, except by order.
23. Board of engineers may order buildings to be pulled down.
24. Engineers may require assistance at fires, appoint guards, and suppress tumults.
25. Engineers to examine places where combustible materials are collected and may require removal of same. Penalty.

Fire department, how constituted. 1836, c. 42, § 8. 1839, c. 46, § 3. 1867, c. 323. 1869, c. 134.

SECTION 1. The fire department shall consist of a chief engineer, such assistant engineers as are provided for in section two of this ordinance, three steam fire engine companies, three hose companies, one

hook and ladder company, one engineman and a driver of the chemical engine, a driver for the chief engineer's wagon, and a relief driver.

Election of chief engineer and assistants.

SECTION 2. The chief engineer shall be elected in the month of March, 1897, and in said month every three years thereafter, by the city council, by ballot in concurrence, and shall hold office for three years from the first Monday in April, in the year in which he is elected and until some other is elected in his place, unless sooner removed; and in the month of March, 1896, and thereafter annually in the month of March, one assistant engineer shall be elected in the manner prescribed for the election of a chief engineer to serve for two years from the first Monday in April in the year in which he is elected and until another is elected in his place, unless sooner removed. Whenever a vacancy occurs, the same shall be filled by a new election in the manner prescribed in this section; and said chief and assistant engineers or either of them, may be removed at any time by concurrent vote of both branches of the city council. The chief and assistant engineers now holding office shall continue to hold the same until the expiration of their terms of office unless sooner removed by the city council by concurrent vote as aforesaid; *provided, however*, that the term of office of the two assistant engineers elected in March, 1894, shall be

considered as terminating on the first Monday of April, 1896, and that the term of office of the two assistant engineers elected in March, 1895, shall be considered as terminating on the first Monday of April, 1897; and *provided, further*, that if any vacancy shall occur before the expiration of the term of office of either of the assistant engineers elected in 1894 or 1895, such vacancy shall not be filled for the remainder of the term, unless such vacancy will leave said board without any assistant for one of said terms.

Organization of board of engineers.

SECTION 3. The chief and assistant engineers shall meet annually on the first Monday of April, or as soon as may be thereafter, and organize as a board, and the chief engineer, or in his absence the senior engineer present, shall be the presiding officer. A majority of the whole board shall constitute a quorum. They shall appoint from their own number

Secretary.

a secretary, who shall receive such compensation as the city council may determine. Said board shall be

General powers and duties of board.

held responsible to the city council, for the discipline, good order and proper conduct of the officers and men constituting the department. They shall have the care and superintendence of the fire engines and all other fire apparatus, and street reservoirs, owned by the city and used for extinguishing fires, and shall examine into the condition thereof, and of the engine

P. S. 35, § 34.
1888, c. 220.
1888, c. 310.
1889, c. 451.
1891, c. 229.

houses connected with the department, as often as once a month. They shall cause the fire engines and other fire apparatus and reservoirs to be kept in repair, and when worn out to be replaced; *provided*, that the expense thereof shall not exceed the sum of two hundred dollars at any one time, unless a larger expenditure has been authorized by the city council; and *provided, further*, that said board shall act under direction of the joint standing committee on fire department in purchasing all materials and supplies required for the department, and in making all such repairs; but in case of fire, or immediate danger from fire, said engineers may make such repairs or purchases as the immediate exigency, in their opinion, demands. The engineers shall cause all street reservoirs to be kept filled with water, and shall give immediate notice of any defect or want of repair therein, to the commissioner of streets. They may make rules and regulations not repugnant to law or ordinance for their own government and that of the department, and for the conduct of citizens at fires, and may annex penalties for the breach thereof not exceeding twenty dollars for one offence; but such rules and regulations shall not be binding, until approved by the city council and published as the city council may direct.

Apparatus to be kept in repair.

Provisos.

Reservoirs.

Board may make rules and regulations.

P. S. 35, § 36.

SECTION 4. The chief engineer shall have the

Powers and

duties of chief engineer.

sole and absolute control and command over all the other engineers, all members of the department, and all other persons who may be present at fires. He shall direct all proper measures for the protection of property, the preservation of order, and the stations and operations of the several companies and members of the fire department, with their apparatus, for the purpose of extinguishing fire. In the absence of the chief engineer, the senior engineer present, shall, during such absence, have and exercise all the power and authority of the chief engineer, and shall perform the duties of his office. The officer in command of the company which first arrives at a fire, shall be the officer in command until an engineer is present. The chief engineer shall require the permanent men, when not otherwise engaged, to perform such other duties and do such other work for the department as he may deem proper. He shall certify all bills, and submit the same monthly to the joint standing committee on fire department for inspection and approval, and shall then transmit the same to the city auditor. He shall annually, on the fourth Monday of December, report to the city council a detailed statement of the receipts and expenditures of the fire department, during the preceding financial year, the condition of the fire engines and all other fire apparatus, a schedule of the property in charge of the department, the names of the

Senior engineer to have power in absence of chief.

Permanent men to perform duties required by chief.

Certification of bills.

To make annual report.

officers and members, and a statement of the fires during said year, specifying the names of the owners or occupants of the premises damaged or destroyed, the cause of fire if known, the amount of loss or damage and insurance thereon; and all other facts of interest relating to said department.

Duties of foremen.

SECTION 5. Foremen of companies shall see that the fire apparatus committed to their care, and the buildings in which the same are deposited, and all things in or belonging to the same, are kept clean and in order for immediate use; and shall cause the sidewalks and other walks connected with said buildings to be kept clear of snow and ice. They shall preserve order and discipline at all times in their respective companies, and require and enforce a compliance with the ordinances, the rules, orders and regulations of the department, and the orders of the chief and assistant engineers. They shall forthwith report in writing to the board of engineers, the name of any member who shall neglect his duty, or disobey any order aforesaid. They shall cause the clerk of the company to keep in a book provided for the purpose a fair and exact roll of the members thereof, specifying the time each member was appointed to or vacated his membership, together with the age, residence and occupation of each, and a record of all the city property in care of the company; which roll

Order and discipline

Company rolls and record.

and record book shall at all times be open to the inspection of the engineers and the mayor and aldermen. They shall also make or cause to be made to the chief engineer a true and accurate return of all members of the company, stating names, ages, residences and occupations, and the condition of the apparatus intrusted to their care, whenever requested to do so. The foreman of each company, immediately on his arrival at any fire, shall report to the chief engineer, or the assistant engineer in charge, and shall remain by his company and the apparatus of which he has charge, during the fire, preserve order, direct their operations, and protect them from being interrupted in the discharge of their duty. In the absence of the foreman, the officer next in rank, who is present, shall take command, and have all the powers and perform all the duties of foreman.

Returns to be made.

On arrival at fire to report to chief.

Officer next in rank to command in absence of foreman.

General regulations in case of fire.

SECTION 6. The officers and members of the department, whenever there is an alarm of fire shall repair forthwith to their respective apparatus, and conform to the direction of the chief or assistant engineer, or foreman in charge, and exert themselves in a prompt and orderly manner in managing their apparatus, and in performing every duty required of them by the chief or assistant engineer or foreman as aforesaid.

SECTION 7. Each steam-fire-engine company shall consist of thirteen men, in addition to an engineer, stoker and two drivers. Companies, how constituted.

Each hose company shall consist of eight men, one of whom shall be driver and steward thereof, and the hook-and-ladder company shall consist of twenty men and two drivers.

The chemical engine shall be in charge of one engine man and a driver. The engine man shall have charge and direction of the engine at fires. The relief driver shall give his entire time to the service of the city, shall relieve any regular driver when needed, and shall perform such other duties as may be required of him by the chief engineer. Chemical engine. Relief driver.

The present members of the several companies of the fire department shall continue in service until removed or until their positions are otherwise vacated, and they may be removed at any time by the mayor and aldermen. Whenever a vacancy in membership occurs the board of engineers shall forthwith notify the mayor and aldermen thereof, and may recommend a suitable person to fill the vacancy. The mayor and aldermen shall, within thirty days after the receipt of said notice, appoint some person to fill such vacancy, and the city clerk shall notify the board of engineers of such appointment. The person so appointed shall hold office from the date of his appointment until another is appointed in his place, unless sooner removed, and he may be removed at any time by the Term of service. Appointments.

mayor and aldermen; and in case of such removal the city clerk shall forthwith notify the board of engineers thereof. Any member may be discharged at his own request by vote of the board of engineers.

Certificate of membership.

There shall be issued to each member, as soon as may be after his appointment, a certificate of membership signed by the city clerk, and no person shall be deemed to be such member until he has been appointed by the mayor and aldermen.

Qualifications for membership.

No person shall be appointed such member who is not a legal voter in this city, and no person whose daily occupation is carried on outside the city shall be appointed, or continue an officer or member of the department. Any officer or member who removes from the city or whose daily occupation is carried on outside of the city, shall be at once discharged from the department by the board of engineers, unless his membership has been otherwise vacated. If any member desires to leave the city temporarily, he shall notify the engineer having charge of the company to which he belongs, and shall provide a substitute satisfactory to such engineer; and the compensation of such substitute shall be paid by said member.

Call members to be retired at age of sixty years.

Members of the department, except permanent members, shall be retired from service by the board of engineers after they arrive at the age of sixty years, and no person over sixty years of age shall be appointed a call member of the department.

Appointment of janitor at central station.

SECTION 8. The board of engineers shall annually in the month of January, and whenever a vacancy occurs, appoint some suitable person who shall be an engineer of one of the steam fire engines as janitor of the central steam fire-engine house and he shall perform such duties as said board may prescribe; and he shall receive such compensation for his services as the city council may determine.

Rules and regulations of companies.

SECTION 9. Each company may establish such rules and regulations, for its government, not repugnant to law or ordinance as shall be approved by the board of engineers. Each company shall annually in the month of May elect a foreman; an assistant foreman who shall serve as clerk of the company; a treasurer; and such other officers as they may desire in the manner required by the rules and regulations aforesaid, but such election shall be subject to the approval of the board of engineers.

Company officers.

Quarterly pay-rolls.

SECTION 10. On the first days of January, April, July and October, in each year, the clerk of each company shall prepare a roll, upon a blank form to be furnished by the board of engineers, specifying the amount due each member of the company up to the first day of said months, with such other information as may be required by said roll, and the same shall be certified by the foreman and clerk, and immediately delivered to the board of engineers. Said

Examination of rolls.

board shall forthwith meet and examine said rolls, and if found to be correct, they shall be so certified, by the chief engineer, and after inspection by the committee on fire department, be transferred to the city auditor. The sums due the several members of the department shall be paid to said members by the city treasurer on the second Monday of the months in which said rolls are prepared as aforesaid. All

Vacation.

permanent members of the department shall be allowed an annual vacation of ten days without loss of pay.

Transfer of members.

SECTION 11. The board of engineers may transfer members of the department from one company to another whenever the interests of the department may require it.

Absence from fires, and violation of ordinance, cause for discharge.

SECTION 12. If any officer or member shall, except from sickness, be absent from more than one-third of the fires or alarms of fire, occurring during the six months preceding the first days of January and July, such officer or member shall, if such absences are more than five in number, be discharged from the department by the board of engineers; and an intentional violation of any of the provisions of this ordinance, by any officer or member, shall also be a good cause for his discharge.

Neglect of duty, disorderly conduct, etc., cause for suspension.

SECTION 13. Any officer or member of a company who shall neglect or refuse to perform his duty, or who shall be guilty of any disorderly conduct or disobedience to any officer or engineer, may be suspended by the board of engineers, and after a hearing of which he shall have had notice, may be expelled from the department by said board.

Record to be kept of removals and suspensions.

SECTION 14. In all cases of removal or suspension of members of the fire department by the engineers, the name of the person removed or suspended, with a statement of the reasons therefor, shall be entered on the records of the engineers, and a copy of the same shall be transmitted at once to the mayor and aldermen by the chief engineer.

Badges.

SECTION 15. Every member of the department shall wear at all fires, such badge as the board of engineers shall prescribe, and no person without such badge, shall enter within the lines formed at any fire, except members of the city council and members of fire clubs and any person permitted to do so by an engineer.

Members of city council and fire clubs may enter fire lines.

Fire-ladders not to be taken from place of deposit.

SECTION 16. No person shall take from its place of deposit any fire-ladder, without permission from the chief engineer or one of the assistant engineers, under the penalty of five dollars for each offence.

Penalty for causing false alarm of fire. P. S. 206, § 13.

SECTION 17. Whoever without reasonable cause, by outcry or the ringing of bells, or otherwise, makes or circulates or causes to be made or circulated a false alarm of fire, shall be punished by a fine not exceeding fifty dollars as provided by statute.

Gambling and intoxicating liquors forbidden in fire department buildings.

SECTION 18. No gambling shall be allowed in any building used by the fire department, nor shall intoxicating liquors of any kind be carried into, kept or used, therein.

Fire department houses for use of members only, congregating on sidewalk prohibited.

SECTION 19. The fire department houses shall be used by members of the companies only, and the outer doors shall be kept closed at all times except for ingress and egress, and congregating upon the sidewalk in front of the houses is strictly prohibited.

Parade for exercise and inspection.

SECTION 20. The several companies of the department shall parade for exercise and inspection, at such times and places, and in such manner, as the chief engineer shall direct.

No company to leave city without permit. Permission not to include apparatus.

SECTION 21. No company shall leave the city on an excursion, except by permission of the mayor and aldermen, and such permission shall in no case be deemed to include the apparatus.

No company to leave city in case of fire,

SECTION 22. No company shall leave the city in case of fire in a neighboring city or town, except by

order of the chief engineer, or the assistant engineer in charge, or the mayor, and such order shall only be given in case of great emergency or peril, or at the request of the chief engineer of said city or town.

except by order.

SECTION 23. The board of engineers, or a majority thereof, present at a place in immediate danger from a fire, may direct any house or building to be pulled down or demolished when they judge the same to be necessary in order to prevent the spreading of fire.

Board of engineers may order buildings to be pulled down. P. S. 35, § 4.

SECTION 24. The engineers or other officers of the fire department may, during the continuance of a fire, require assistance for extinguishing the same, and for removing furniture, goods or merchandise from a building on fire or in danger thereof; and may appoint guards to secure the same. They may also require assistance for pulling down or demolishing a house or building when they judge it necessary; and may suppress all tumults and disorders at such fire.

Engineers may require assistance at fires, appoint guards, and suppress tumults. P. S. 35, § 6.

SECTION 25. The board of engineers shall examine all places where shavings or other combustible materials are collected or deposited, and may require the removal of such materials, or the adoption of suitable safeguards against fire, and if in the opinion of a majority of said board, the same may be danger-

Engineers to examine places where combustible materials are collected and may require removal of same. 1867, c. 323, § 3.

ous to the security of the city from fire, they may direct the owner, tenant or occupant, of any such place to remove the same; and in case such owner, tenant or occupant, shall refuse or neglect so to do, they may cause the same to be removed at the expense of such owner, tenant or occupant, who shall, in addition, be liable to a penalty not exceeding twenty dollars for such neglect or refusal.

Penalty.

CHAPTER XVII.

AN ORDINANCE FOR THE PREVENTION OF FIRES.

SECTION.

1. Bonfires and other fires forbidden. Proviso.
2. No person to exercise trade of blacksmith, founder etc., without license.
3. No person to place or keep ashes in manner liable to cause fire.
4. Burning of chimneys for cleaning same. Chimney sweepers.
5. Penalty.

Bonfires and other fires forbidden. P. S. 206, § 12.

SECTION 1. No person shall make any bonfire or other fire in any street, square or other open public place in this city, nor in the open air, within two hundred feet of any such street, square or public place or of any building; *provided, however*, that this shall not prevent any person from making a fire upon his own land for burning chaff or rubbish or for any other industrial purpose for which the same shall be reasonably necessary, such fire to be built

Proviso.

and kept in a prudent manner, carefully watched by some suitable person while it shall continue burning, and allowed to burn only between sunrise and sunset.

No person to exercise trade of blacksmith, founder, etc., without license.

SECTION 2. No person shall exercise the trade or employment of a blacksmith or founder, nor shall boil oil or make varnish in any shop, building or place in this city, other than such as may be licensed by the board of aldermen.

No person to place or keep ashes in manner liable to cause fire.

SECTION 3. No person shall place or keep, in or near any building, ashes or cinders, in such a manner as to cause liability to fire, nor mix them until entirely cooled with any inflammable substance, nor place or keep them until entirely cooled in any wooden vessel.

Burning of chimneys for cleaning same.

SECTION 4. No person shall set fire to and burn his chimney, stove pipe or flue, for the purpose of cleaning the same, except between sunrise and noon, nor unless the contiguous buildings are wet with rain or covered with snow. The board of aldermen may license one or more chimney sweepers for the city, and establish the prices he or they shall receive for their services; and no person shall sweep a chimney in this city for hire unless licensed therefor by said board.

Chimney sweepers.

Penalty.

SECTION 5. Whoever violates any provision of this ordinance shall be liable to a penalty not exceeding twenty dollars for each offence, provided complaint thereof shall be made within six months from the time the offence is committed.

CHAPTER XVIII.

AN ORDINANCE REGULATING THE PURCHASE OF FUEL.

SECTION.
1. Board of aldermen to purchase fuel for city buildings and departments. Exceptions. Contract, how made.
2. Contracts to be in duplicate, and coal to be weighed previous to delivery.

Board of aldermen to purchase fuel for city buildings and departments. Exceptions.

Contract, how made.

SECTION 1. The board of aldermen shall annually, prior to the first day of July, purchase all fuel, for the city buildings and departments, except the water department, and except the cord wood for the poor department. Said board, or its committee on fuel if thereto duly authorized, shall prepare detailed specifications providing for the delivery of said fuel at such times and places, and in such manner, as they may deem expedient, and shall advertise in one or more newspapers of the city, for sealed proposals for furnishing said fuel in accordance with said specifications, stating the time and place when and where

such proposals will be opened; and said proposals shall be opened in the presence of said board and shall be accepted or rejected, as provided by the ordinance relating to contracts.

Contracts to be in duplicate, and coal to be weighed previous to delivery.

SECTION 2. Whenever a proposal is accepted, said board shall cause the necessary contracts to be executed in duplicate, and shall provide therein that all the coal contracted for, shall be weighed previous to its delivery by a sworn weigher to be designated by said board; who shall certify the weight thereof, and the certificate of such weight shall be transmitted to the janitor or officer receiving the coal; who shall indorse thereon a receipt for said coal, and said certificate so indorsed shall be presented with the bill for the coal to the department charged therefor, and shall be retained as a voucher for said bill.

CHAPTER XIX.

AN ORDINANCE CONCERNING GUNPOWDER AND EXPLOSIVE COMPOUNDS.

SECTION.
1. How gunpowder shall be kept. Penalty.
2. How gun-cotton, nitro-glycerine, etc., shall be kept.
3. Explosive compounds not to be kept or transported through the city without license.
4. Transportation of explosive compounds regulated.
5. Persons storing or keeping gunpowder or other explosive compound to deliver statement to chief engineer. Penalty.
6. Engineers of fire department may enter premises of persons licensed to see if laws are observed.
7. Keeping of gunpowder by persons licensed to sell at retail and wholesale. Sign to be placed over door.
8. No person to sell or set fire to fireworks without license. No person to discharge fire-arms. Penalty.
9. No person to sell minors cartridges, toy pistols, etc. Explosion of torpedoes, etc. in street forbidden. Penalty.
10. No person to sell minor any fire-arm. Penalty.
11. Licenses, how granted.
12. Penalty.

How gunpowder shall be kept. 1825, c. 113. P. S. 60, §§ 29–31. P. S. 102, §§ 56, 57.

SECTION 1. No gunpowder shall be kept in any place within the city, unless it is well secured in tight casks or canisters. No gunpowder above the quantity of fifty pounds shall be kept or deposited in a shop, store, or other building, or in a ship or vessel, which is within the distance of twenty-five rods from another building or from a wharf. No gunpowder above the quantity of twenty-five pounds shall be kept or deposited in a shop, store or other building within ten rods of another building; and no gunpowder above the quantity of one pound shall be kept or deposited in a shop, store or other building within ten rods of another building, unless it is well

secured in copper, tin or brass canisters, holding not exceeding five pounds each, and closely covered with copper, brass or tin covers. The foregoing provisions shall not apply to the keeping of gunpowder as provided in section seven. Whoever violates any provisions of this section shall forfeit a sum not exceeding twenty dollars.

Penalty.

SECTION 2. No person, except on military duty in the public service of the United States or of this commonwealth, shall keep, have, or possess, in a building, place, vehicle, or vessel, within one rod of a dwelling house, any gun-cotton, nitro-glycerine, or any compound of the same, and any fulminate or substance, except gunpowder, which is intended to be used by exploding or igniting the same, in order to produce a force to propel missiles or to rend apart substances, in quantity exceeding one-fifth of a pound, in any way or manner prohibited by sections sixty to sixty-eight inclusive of chapter one hundred and two of the public statutes, nor without the license of the board of aldermen; and all such explosive compounds shall be well secured in tight casks or canisters.

How gun-cotton, nitro-glycerine, etc., shall be kept. P. S. 102, §§ 59, 68.

SECTION 3. No person shall keep, store, use, manufacture or sell any explosive compound in the city, or transport the same through the streets or highways of the city, without a license from the board of

Explosive compounds not to be kept or transported through the city without license.

P. S. 102, §§ 60, 6.

aldermen. No such license shall be granted unless the approval of the chief engineer of the fire department is endorsed on the application therefor.

Transportation of explosive compounds regulated. P. S. 102, §§ 60, 61.

SECTION 4. No person shall transport any explosive compound through the city, unless the same shall be enclosed in tight casks or canisters, and conveyed in a vehicle closely and entirely covered with leather, painted canvas, or some other material satisfactory to said chief engineer; and such vehicle shall at all times be subject to the inspection of the mayor, and any alderman, police officer, or engineer of the fire department.

Persons storing or keeping gunpowder or other explosive compound to deliver statement to chief engineer. 1882, c. 269.

SECTION 5. Any person who shall store or keep for sale gunpowder or any other explosive compound above the quantity of one pound in any building in the city, shall, immediately on the receipt of such gunpowder or other explosive compound, deliver to the chief engineer of the fire department, a statement in writing of the amount of such gunpowder or other explosive compound kept, or proposed to be kept, together with a description of the building and part of the building in which the same is kept, or proposed to be kept, sufficiently accurate for identification; and no person shall store or keep for sale gunpowder or any other explosive compound in any other place. Any person violating the provisions of

Penalty.

this section shall be punished by a fine not exceeding one hundred dollars as provided by statute.

Engineers of fire department may enter premises of persons licensed to see if laws are observed. P. S. 102, § 65.

SECTION 6. Any engineer of the fire department, may enter the building or premises of any person licensed to sell explosive compounds, and examine and ascertain if the laws, rules and regulations relating thereto are strictly observed; and on an alarm of fire may cause the explosive compounds there deposited to be removed or destroyed, as the case may require.

Keeping of gunpowder by persons licensed to sell at retail or wholesale.

SECTION 7. Any person licensed to sell gunpowder at retail may keep not exceeding twenty-five pounds thereof in tin or copper canisters with a tin or copper cover thereto. Any person licensed to sell gunpowder at wholesale or retail may keep gunpowder not exceeding one quarter-cask of twenty-five pounds, in addition to the twenty-five pounds allowed for retailing; and said cask shall be inclosed in a strong leather or canvas bag closely tied and legibly marked with the word "gunpowder". Said cask and canister shall be deposited in a copper chest with a copper handle at each end and a tight copper cover furnished with hinges and locked with a copper padlock except when opened for taking out or putting in gunpowder; and said chest shall be placed on the lower floor within six feet of the principal door or entrance from the street, over which door

Sign to be placed over door.

or entrance shall be placed a sign on which shall be painted in capitals the words:—"Licensed to keep and sell gunpowder."

No person to sell or set fire to fireworks without license.
P. S. 102, §§ 54, 55.

SECTION 8. No person shall sell, give away, or offer for sale, or have in his possession with intent to sell; nor set fire to, or have in his possession with intent to set fire to; any fireworks called rockets, crackers, squibs or serpents; nor shall throw any lighted rocket, cracker, squib or serpent within the city; without the license of the board of aldermen; and no person shall discharge any gun, pistol or other fire-arm (unless in the discharge of military duty or in the exercise of some other legal right to do so), within the compact part of the city or within fifty rods of any building. Whoever offends against the provisions of this section shall for every offence forfeit a sum not exceeding ten dollars.

No person to discharge fire-arms.

Penalty.

No person to sell minors cartridges, toy pistols, etc.
1882, c. 272.

SECTION 9. No person shall sell to a minor under the age of sixteen years, without the written consent of a parent or guardian of such child, any cartridge or fixed ammunition, of which any fulminate is a component part, except paper caps, of which the only component parts are chlorate of potash and sulphide of antimony, or any gun, pistol, or other mechanical contrivance arranged for the explosion of such cartridge, ammunition, or fulminate; and no person

shall in any street explode, or so place or deposit that explosion can occur, any torpedo, percussion-cap, or other mechanical contrivance whereof any form of detonator is a part. Whoever violates any provision of this section shall be liable to a penalty not exceeding fifty dollars for any one offence.

Explosion of torpedoes etc. in street forbidden.

Penalty.

SECTION 10. No person shall sell or furnish to a minor under the age of fifteen years, any fire-arm or other dangerous weapon. Whoever violates the provisions of this section shall for each offence be punished by fine not less than ten nor more than fifty dollars as provided by statute.

No person to sell minor any fire-arm. Penalty. 1884, c. 76.

SECTION 11. The board of aldermen may grant the licenses authorized by this ordinance and may revoke the same at their discretion. Every license to sell gunpowder shall expire on the first day of May annually, and two dollars shall be paid for every such license.

Licenses, how granted.

SECTION 12. Whoever violates the provisions of sections two, three, four and seven of this ordinance, shall be liable to a penalty not exceeding fifty dollars for each violation thereof.

Penalty. P. S. 102, § 60.

CHAPTER XX.

AN ORDINANCE RELATING TO HACKNEY CARRIAGES, WAGONS AND OTHER VEHICLES.

SECTION.
1. No person to set up and use hackney carriages for hire without license.
2. No person to set up and use wagons for hire without license.
3. Licenses how granted. License fee. Transfer of license.
4. Hackney carriage defined.
5. No person under eighteen years of age to drive carriage or wagon without special permit.
6. No person to permit carriage or wagon to stand in any place other than the one assigned.
7. Body of deceased person not to be placed in carriage. Proviso.
8. Board of aldermen may establish fares and regulations.
9. No person to demand or receive higher rate of fare than that established, nor refuse to carry passengers. Driver to carry rates of fare.
10. Hackney carriages to be fitted with lamps and kept lighted at night. Number of license to be painted on lamps. Wagons to have owner's name and number of license placed thereon.
11. Penalty.

No person to set up and use hackney carriages for hire without license. P. S. 28, § 25.

SECTION 1. No person shall set up, use or drive any hackney carriage for the conveyance of persons for hire from place to place within the city, without a license for every such carriage from the board of aldermen.

No person to set up and use wagons for hire without license.

SECTION 2. No person shall set up, use or drive any wagon, dray or other vehicle, whether on wheels or runners, for the conveyance from place to place within the city, for hire, of any goods, wares, merchandise, furniture or any other article, without a license for every such wagon, dray or vehicle, from the board of aldermen.

SECTION 3. The board of aldermen may grant such licenses to suitable persons who are residents of the city or permanently engaged in business herein, and may revoke the same at their discretion. A fee of one dollar shall be paid to the city clerk for the use of the city for every such license, and all licenses so granted shall expire on the first day of February next after the date thereof. No license shall be sold or transferred without the consent of said board and such consent shall be indorsed on the license and on the record thereof by the city clerk.

Licenses, how granted.

License fee.

Transfer of license.

SECTION 4. Every hack, coach, cab, or other vehicle (except street cars), whether on wheels or runners, which shall be used for the conveyance of persons for hire, from place to place within the city, shall be deemed a hackney carriage, within the meaning of this ordinance.

Hackney carriage defined.

SECTION 5. No person under eighteen years of age shall drive or have charge of any hackney carriage, wagon, dray or other vehicle, licensed as aforesaid, without special permission from the board of aldermen.

No person under eighteen years of age to drive carriage or wagon without special permit.

SECTION 6. No person having charge of any hackney carriage, wagon, dray or other vehicle, licensed as aforesaid, shall permit the same to stand

No person to permit carriage or wagon to stand in any

place other than the one assigned.

for hire in any other place than that assigned by the city marshal under direction of the board of aldermen, nor in front of any premises without the consent of the owner or occupant of said premises.

Body of deceased person not to be placed in carriage.

SECTION 7. No person having charge of any hackney carriage shall permit the body of any deceased person to be placed in such carriage for conveyance through the city or to any place within the city; *provided, however,* that the body of any child dying under twelve years of age may be so placed and conveyed if consent thereto in writing is first given by the board of health.

Proviso.

Board of aldermen may establish fares and regulations. P. S. 28, § 25. P. S. 58, § 15.

SECTION 8. The board of aldermen may establish the rates of fare for conveyance of passengers in hackney carriages, and may revise the same at pleasure. Said board may also make rules and orders for the regulation of all licensed carriages and vehicles.

No person to demand or receive higher rate of fare than that established, nor refuse to carry passengers.

SECTION 9. No person having charge of any hackney carriages, shall demand or receive a higher rate of fare than that established by the board of aldermen, nor shall unreasonably refuse to carry any passenger from any place to any other place within the city. The driver of every licensed hackney carriage shall have at all times in his possession a copy of the established rates of fare, and shall exhibit the same to any passenger who desires to examine it.

Driver to carry rates of fare.

SECTION 10. Every person licensed as aforesaid to set up and use any hackney carriage, shall cause said carriage to be fitted with a lamp upon each side thereof, which lamps shall have glass fronts and sides and shall be kept lighted at night when the carriage is in use or waiting for passengers, and shall have plainly painted upon the glass covering of each of said lamps the number of the license in figures not less than one inch in length, and so that the same may be distinctly seen. Every person licensed as aforesaid to set up and use any wagon, dray or other vehicle, shall have placed upon the outside and each side thereof, the name of the owner and the number of the license, in plain legible letters and figures, not less than one and one-half inches in length, and so that the same may be distinctly seen.

Hackney carriages to be fitted with lamps and kept lighted at night.

Number of license to be painted on lamps.

Wagons to have owner's name and number of license placed thereon.

SECTION 11. Whoever violates any provision of this ordinance, shall be liable to a penalty not exceeding twenty dollars for each offence.

Penalty.

CHAPTER XXI.

AN ORDINANCE RELATING TO HAWKERS AND PEDDLERS.

SECTION.
1. No person to go about, or to stand in street, selling fruits, provisions, etc., without license. Proviso. Sale by minors.
2. Licenses, how granted. License fee.
3. No person shall cry his wares to the disturbance of the peace, etc.
4. Penalty.

No person to go about, or to stand in street, selling fruits, provisions, etc. without license. P. S. 68. 1883, c. 168.

SECTION 1. No person shall go about from place to place within this city, exposing for sale or selling, fruits, provisions, fish, meat, vegetables, or any of the articles enumerated in section one of chapter sixty-eight of the public statutes, in or from any cart, wagon or other vehicle; nor shall stand in any street, square or public place in this city, except within the market limits, exposing for sale or selling any article of merchandise; without a license therefor from the board of aldermen; *provided, however*, that this section shall not apply to any person exposing for sale or selling the products of his own labor or the labor of his family, or the produce of his farm or garden, or native wild fruits and berries. Said board may restrain the sale by minors of any goods, wares or merchandise enumerated in said section one of chapter sixty-eight of the public statutes.

Proviso.

Sale by minors. P. S. 68, § 2. 1887, c. 422. 1892, c. 331.

Licenses, how granted.

SECTION 2. The board of aldermen may grant

licenses as aforesaid to expire in one year from the date thereof, and may provide therein that no person so licensed shall expose for sale or sell any such article in any street or place other than that named in the license; and every person so licensed, except persons taxed upon their stock in trade in this city as residents of Salem, shall pay to the city clerk for the use of the city the sum of one dollar for his license. License fee.

SECTION 3. No person hawking, peddling, selling or exposing for sale any article as aforesaid, shall cry his wares to the disturbance of the peace and comfort of the inhabitants of this city. No person shall cry his wares to the disturbance of the peace, etc.

SECTION 4. Whoever violates any provision of this ordinance shall be punished by fine not exceeding twenty dollars for each offence. Penalty. 1883, c. 168.

CHAPTER XXII.

AN ORDINANCE RELATIVE TO THE WEIGHING OF HAY AND OTHER ARTICLES.

SECTION.
1. Statutes adopted relative to weighing of hay.
2. Election of superintendent of hay scales.
3. Duties of superintendent.
4. Further duties.
5. Superintendent to keep record of articles weighed.
6. Stand assigned for sale of hay and straw.
7. Penalty.
8. Fee for weighing. Proviso.
9. Superintendent to make annual report.

Statutes adopted relative to weighing of hay. P.S. 60, §§ 32-40.

SECTION 1. The thirty-second, thirty-third and thirty-fourth sections of the sixteenth chapter of the public statutes of this commonwealth, relative to the weighing of hay and other articles, are hereby adopted.

Election of superintendent of hay scales.

SECTION 2. The board of aldermen shall annually in the month of January, elect by ballot, a superintendent of the hay scales belonging to the city who shall serve for one year from the first day of February, in the year in which he is elected, and until another is elected in his place. He may be removed at the pleasure of the board of aldermen, and a vacancy in the office may be filled by said board at any time. He shall receive such compensation as the city council may determine.

Duties of superintendent.

SECTION 3. It shall be his duty to personally attend

the scales every day throughout the year except Sundays and legal holidays, from sunrise to sunset during the months of December, January and February, and from seven o'clock in the forenoon until six o'clock in the afternoon during the remainder of the year. He shall weigh all hay offered for sale in the city, and any other article offered to be weighed, and shall deliver to the driver of every load so weighed, a certificate signed by him, specifying the name and residence of the driver, the article weighed, the weight and tare thereof, the amount of fees received, and the date of the certificate.

Further duties.

SECTION 4. It shall be his duty to see that the scales are balanced before weighing, to keep the platform clear of obstructions, to examine the scales underneath as often as once a month; and whenever the scales are out of order to immediately notify the committee on public property in writing.

Superintendent to keep record of articles weighed.

SECTION 5. He shall keep an account of all hay and other articles weighed at said scales and record the same in a book to be furnished by the city clerk; which book shall always be open to public inspection, and shall contain all the items required to be specified in the certificate aforesaid.

Stand assigned for

SECTION 6. That part of Bridge street between

sale of hay and straw. 1816, c. 103.

Howard and St. Peter streets, is hereby appointed and assigned as the only place in the city where wagons, sleds or other vehicles, shall be allowed to stand for the sale of hay or straw.

Penalty.

SECTION 7. The owner or driver of any wagon, sled or other vehicle, containing hay or straw for sale, who shall permit such vehicle to stand for the sale of such hay or straw, in any street or place in the city, other than the place assigned by this ordinance, shall be liable to a penalty not exceeding five dollars for each offence.

Fee for weighing.

SECTION 8. The fee for weighing on said scales shall be at the rate of one half of a cent for each hundred pounds: *provided, nevertheless,* that the fee for weighing any article shall in no case be less than six cents, and that no fee shall be taken for weighing the wagon or vehicle containing the article to be weighed, nor for any other tare, nor for any weighing done for the city.

Proviso.

Superintendent to make annual report.

SECTION 9. Said superintendent shall pay to the city treasurer the first of each month all fees received by him during the previous month and shall annually on the fourth Monday of December, report to the board of aldermen, the number of loads weighed by him during the preceding financial year, and the amount of fees received therefor.

CHAPTER XXIII.

AN ORDINANCE RELATING TO THE PUBLIC HEALTH.

SECTION.
1. Board of health, how constituted.
2. Organization. Subordinate officers and compensation. Rules and regulations. Meetings and record.
3. Election of clerk and inspector Compensation.
4. General powers and duties of board of health.
5. City marshal, city physician and city solicitor, to furnish assistance to board.
6. Board of health to make annual report. Estimate of expenditures.
7. Mayor to protect public health and enforce laws and ordinances.
8. Board of health to make contracts for removal of house offal and ashes.
9. Board may remove persons ill of contagious and infectious diseases. May cause tenements to be vacated.
10. Buildings on street, etc., containing a public sewer to be connected therewith. Penalty for non-compliance.
11. Location of privy vaults regulated.
12. Dwelling houses etc., to be furnished with drains, cesspools, and privies. No privy or water-closet to be connected with sewer, except, etc.
13. Proceedings where a suitable drain, cesspool, and privy, is not constructed.
14. Regulations for constructing vaults and privies, and keeping same in proper condition.
15. How contents of vaults may be removed.
16. Board of health may notify occupants of unfit dwelling place to quit, etc. Penalty.
17. No person without permit, to throw or deposit in any street or vacant lot, or body of water, any refuse matter, etc.
18. Liability for such offences. Manner of removal.
19. Rubbish, etc., in and about houses, to be removed if deemed injurious.
20. Sale of fish regulated.
21. Damaged hides, grain, etc., not to be landed without permit.
22. Accumulation of manure.
23. Keeping of cows.
24. Vaccination. Penalty.
25. Ringing of church bells in case of illness may be forbidden.
26. Prosecution of offenders against sanitary regulations. Board of health to cause nuisances to be forthwith removed in certain cases.
27. Penalty.

SECTION 1. The city council shall annually on the first Monday of January or as soon thereafter as possible elect by ballot in concurrence a joint committee consisting of two members of the board of aldermen and three members of the common council, which

Board of health, how constituted.
1836, c. 42, § 13
1837, c. 4, § 3.
1877, c. 191, § 1.
P. S. 80.
1889, c. 108.
1890, c. 74.
1890, c. 132.

committee shall constitute the board of health for the city of Salem. The members of said board shall hold office for the remainder of the municipal year in which they are elected, unless sooner removed: *provided*, that if any such member shall cease to be a member of the city council during said year, he shall at the same time cease to be a member of the board of health. The members of the board of health shall be subject to removal by the city council, and vacancies in said board may be filled at any time for the remainder of the term in the manner provided for the election of said members.

Organization.

SECTION 2. The board of health shall organize annually in the month of January, by the choice of one of their number as chairman. They may appoint such subordinate officers, agents and assistants as they may deem necessary, and may fix their compensation, but the whole amount of such compensation shall not exceed the sum appropriated therefor by the city council. They may make such rules and regulations for their own government, and for the government of all subordinate officers in their department, as they may deem expedient. The board shall meet once at least in each month, and as much oftener as may be required. They shall keep a record of their proceedings, which record shall at all times be open to the inspection of the mayor or any member or committee of the city council.

Subordinate officers, and compensation.

Rules and regulations.

Meetings and record.

Election of clerk and inspector.

SECTION 3. The city council shall annually in the month of January elect by ballot in concurrence, a suitable person as clerk of the board of health, and he shall hold office for one year from the first day of February, in the year of his election, and until another is elected in his place, unless sooner removed. He shall receive such compensation as the city council may determine, and he may be removed at any time by concurrent vote of the city council, and a vacancy in the office shall be filled by the city council by concurrent ballot for the remainder of the term. He shall act as inspector for the board of health and shall perform such other duties as said board shall prescribe.

Compensation.

General powers and duties of board of health.

SECTION 4. The board of health shall have and exercise all the power and authority vested in the city council, relative to the public health and quarantine of vessels. Said board may make such rules and regulations as it judges necessary for the public health and safety respecting nuisances, sources of filth and causes of sickness, within the city, or on board of vessels within the harbor, and respecting articles which are capable of containing or conveying infection or contagion, or of creating sickness, brought into or conveyed from the city, or into or from any vessel. Notice of such regulations shall be given as required by statute. Said board shall

examine into all such nuisances, sources of filth, and causes of sickness, that may in its opinion be injurious to the health of the inhabitants, and shall destroy, remove or prevent the same as the case may require.

City marshal, city physician and city solicitor, to furnish assistance to board.

SECTION 5. The city marshal shall furnish such assistance as may be needed from the police department, in carrying out the orders of the board of health; and the city physician and the city solicitor shall furnish such advice and assistance as they may be able to render said board upon its request.

Board of health to make annual report.

SECTION 6. Said board shall annually on the fourth Monday of December present to the city council a report made up to and including the thirtieth day of the preceding November containing a full and comprehensive statement of its acts during said year, and a review of the sanitary condition of the city; and shall also when the city council or the committee on finance and appropriations so requires, send to them an estimate in detail of the appropriation required by its department for the financial year.

Estimate of expenditures.

Mayor to protect public health and enforce laws and ordinances.

SECTION 7. It shall be the duty of the mayor to be vigilant and active in protecting the public health; to see that the laws and ordinances in relation to the same are enforced; and to communicate his views to the board of health or the city council from time to time, as he may deem expedient.

Board of health to make contracts for removal of house offal and ashes.

SECTION 8. Said board of health shall make all contracts and regulations for the removal of house offal; also, of ashes and other rubbish. Whoever desires the removal of such ashes and rubbish, shall cause the same to be placed in suitable boxes, barrels or vessels and set upon the sidewalk adjoining his premises, or within twenty-five feet thereof, on the day set apart for such removal, and said board shall cause such removal to be made at least once in each week on stated days for the several different portions of the city; but such boxes, barrels or vessels shall not be placed upon any sidewalk so as to unnecessarily interfere with the convenient use thereof by travellers. No person shall keep in his house, or on his land or premises, any house-offal, unless the same is placed in a suitable vessel, free from ashes and other refuse matter, and so placed as to be easily removed.

Board may remove persons ill of contagious and infectious diseases

SECTION 9. The board of health shall have power to remove, or cause to be removed, from any dwelling-house or other place within said city, any person sick with any contagious or infectious disease dangerous to the public health, or any person who may have been exposed to such contagious or infectious disease, to any hospital or place within the city, proper for the reception of such sick or exposed person; and in case any person sick with such

contagious or infectious disease in any house or other place within the said city, cannot be removed without danger to his health, the board of health shall have power to cause any house or tenement in the neighborhood to be vacated by the removal of the occupant or occupants thereof, for such time as they shall think expedient, and the safety of the inhabitants may require.

May cause tenements to be vacated.

Buildings on street, etc., containing a public sewer to be connected therewith. 1890, c. 132.

Penalty for non-compliance.

SECTION 10. Every building situated on a public or private street, court or passageway, in which there is a public sewer, shall, when required by the board of health, be connected by a good and sufficient particular drain with such public sewer. Any person owning, leasing or maintaining any building not connected with a public sewer as provided in this section shall be punished by a fine not exceeding two hundred dollars as provided by statute.

Location of privy vaults regulated. 1890, c. 74.

SECTION 11.* No privy vault shall be established, either upon premises situated on a public or private street, court or passageway, where there is a public sewer opposite thereto; or upon premises connected with a public or private sewer, without permission in writing first obtained from the board of health. And whenever there is in the city a privy vault so situated

*Acts of 1890, Chapter 74, in relation to the public health, accepted by the city council November 3, 1890.

which, in the opinion of the board of health, is injurious to the public health, said board shall declare the same to be a nuisance and forbid its continuance.

Dwelling-houses, etc., to be furnished with drains, cesspools, and privies.

SECTION 12. The owner, agent, or occupant of any tenement used as a dwelling-house, or of any other building with which there is a privy connected and used, shall furnish the same with a sufficient drain and unless said drain be connected with a common sewer, a cesspool under ground to carry off the waste water, and also with a suitable privy, the vault of which shall be sunk under ground, and be built in the manner herein after prescribed, and of a capacity proportionate to the number of inhabitants of such house or building; and all such inhabitants shall have the unrestricted use of such a drain, cesspool, privy and vault. No person shall connect any privy or water-closet with any drain discharging into a main drain or common sewer, except under direction of the board of health.

No privy or water-closet to be connected with sewer, except, etc.

Proceedings where a suitable drain, cesspool, and privy, is not constructed.

SECTION 13. If the board of health shall at any time be satisfied that any dwelling-house or building mentioned in the preceding section, is not provided with a suitable drain, cesspool, privy and vault, as aforesaid, they shall give notice in writing to the owner, agent, occupant, or other person having the care thereof; or in case neither the owner, agent, nor

person having the care thereof, is an inhabitant of the city, public notice in two newspapers, printed in Salem, requiring such owner, agent, occupant, or other person, within such time as they shall appoint, to cause a proper and sufficient drain, cesspool, privy and vault, or either of them, to be constructed for such house or building, to be common and subject to the use of all the inhabitants thereof; and in case of neglect or refusal to obey such notice, the board of health shall cause such drain, cesspool, privy or vault, to be made for such dwelling-house or building, at the expense of such owner, agent, occupant, or other person.

Regulations for constructing vaults and privies, and keeping same in proper condition.

SECTION 14. All vaults or privies hereafter built shall be so constructed, that the inside of the same shall be at least two feet distant from the line of every adjoining lot, unless the owner of said adjoining lot shall otherwise agree and consent in writing, (such consent to be filed in the office of the board of health) and at the same distance from every street, lane, alley, court, square, or public place, or public or private passage way; and they shall be so constructed as to be conveniently approached, opened and cleansed. . Every vault shall be made tight; and whenever any drain, cesspool, vault or privy shall become offensive, the same shall be cleansed, and the owner, agent, occupant or other person having

charge of the land, in which any drain, cesspool, vault or privy is situated, the condition of which is in violation of the provisions of this ordinance, shall cause the same to be removed, cleansed, altered, amended or repaired, within such reasonable time after notice in writing to that effect, given by the board of health, as shall be expressed in such notice; and in case of neglect or refusal to do so, the board of health may cause the same to be removed, cleansed, altered, amended or repaired, as they may deem expedient, at the expense of the owner, agent, occupant or other person as aforesaid.

How contents of vaults may be removed.

SECTION 15. Vaults may be opened, and their contents removed, under such regulations as the board of health may establish.

Board of health may notify occupants of unfit dwelling place to quit, etc. P. S. 80, § 24.

SECTION 16. Said board of health, when satisfied upon due examination that a cellar, room, tenement or building, occupied as a dwelling place, has become, by reason of the number of occupants, want of cleanliness, or other cause, unfit for such purpose, and a cause of nuisance or sickness to the occupants or the public, may issue a notice in writing, to such occupants, or any of them, requiring the premises to be put into a proper condition as to cleanliness, or, if they see fit, requiring the occupants to quit the premises within such time as the board may deem reasonable.

If the persons so notified, or any of them, neglect or refuse to comply with the terms of the notice, the board may cause the premises to be properly cleansed at the expense of the owners, or may remove the occupants forcibly and close up the premises, and the same shall not be again occupied as a dwelling-place without the consent in writing of the board. If the owner thereafter occupies or knowingly permits the same to be occupied without such permission in writing, he shall forfeit not less than ten nor more than fifty dollars as provided by statute.

Penalty.

No person, without permit, to throw or deposit in any street or vacant lot, or body of water, any refuse matter, etc.

SECTION 17. No person shall, without permission from the board of health, throw into or deposit in or upon any street, way, wharf, public place, or vacant lot, or throw into or deposit in any pond, or body of water within the limits of the city, any dead animal, dirt, sawdust, waste water, rubbish, filth, or any refuse matter or substance whatever. Nor shall any person throw into or deposit in or upon any dock, flats, or tide-water within the jurisdiction of the city, any dead animal, or any foul or offensive matter, nor land any foul or offensive substance within the city.

Liability for such offences.

SECTION 18. If any of the substances mentioned in section seventeen shall be thrown or carried from any house, shop, cellar, yard, or other place, or deposited in any of the places specified in said section

seventeen, without such permission, the owner or occupant of such house, or other place, permitting such substance to be thrown, carried or deposited, and any person who actually threw, carried or deposited the same, shall be held liable for a violation of this ordinance; and all such substances shall be removed from the place where they have been thrown, carried or deposited, as aforesaid, by such owner or occupant, or other person throwing, carrying or depositing the same, within two hours after personal notice in writing, to that effect, given by the board of health or by the clerk or inspector of said board; and in case said notice is not complied with such removal shall be made under the direction of said inspector at the expense of such owner, occupant or other person.

Manner of removal.

SECTION 19. Any of the substances mentioned in section seventeen found in any house, cellar, yard, or other place, which the board of health may deem injurious to the health of the city, shall be removed by and at the expense of the owner or occupant of such house or other place where the same may be found, to such place as shall be directed, within twenty-four hours after personal notice in writing to that effect, given by said board.

Rubbish, etc., in and about houses, to be removed if deemed injurious.

SECTION 20. No person shall, at any time, have in his possession with intent to sell, fish of any kind,

Sale of fish regulated.

except flounders, smelts and other small fish, salmon and shad, until the same have been cleansed of their entrails and other refuse parts, nor fish of any kind, unless they are kept in covered stalls, or fish boxes, or in covered carts, which shall be kept clean and in good order, and well secured from the rays of the sun.

Damaged hides, grain, etc., not to be landed without permit.

SECTION 21. No person shall bring into the city, or land on any wharf or other place, green or tainted hides, or damaged grain, rice, coffee, fruit, vegetable or animal substance, except in accordance with a permit therefor from the board of health.

Accumulation of manure.

SECTION 22. No owner or occupant of a stable shall permit more than three cords of manure to accumulate or remain uncovered outside of a stable-building, nor permit the stable or grounds connected therewith to be foul or unclean.

Keeping of cows.

SECTION 23. No person shall keep, or allow to be kept in any building, or on any premises of which he may be the owner or occupant, any cow, unless such building or premises be kept clean and wholesome.

Vaccination. 1894, c. 515, §§ 3, 4.

SECTION 24. The board of health shall require and enforce the vaccination and re-vaccination of all the inhabitants of the city, whenever in the opinion of said board, the public health or safety requires such

action. Every person over twenty-one years of age, not under guardianship, who neglects to comply with such requirement shall forfeit the sum of five dollars as provided by statute. Said board shall furnish the means of free vaccination or re-vaccination to all the inhabitants of the city whenever in the opinion of said board the public safety requires it. Penalty.

SECTION 25. No person shall ring a church bell or other bell, when, on account of illness in the neighborhood, such ringing is forbidden by the board of health. Ringing of church bells in case of illness may be forbidden.

SECTION 26. Whenever any person shall have been duly notified to remove any nuisance, or to cleanse, alter or amend any vault, or to perform any other act or thing which it may be his duty to perform, in obedience to the laws of the commonwealth, or the ordinances relating to the public health, which are now, or which hereafter shall be, made by lawful authority, and the time limited for the performance of such duty shall have elapsed without a compliance with such notice, the clerk and inspector aforesaid shall cause all persons who shall have so violated or disobeyed the said health laws and regulations to be forthwith prosecuted. And if, in the opinion of the board of health, it shall be for the health or comfort of the inhabitants that any particular Prosecution of offenders against sanitary regulations. Board of health to cause nuisances to be

forthwith removed in certain cases.

nuisance should be forthwith removed, and without delay, it shall be their duty to cause the same to be removed accordingly at the expense of the owner or owners of the land upon which said nuisance exists.

Penalty.

SECTION 27. Any person offending against any of the provisions of this ordinance shall be liable to a penalty of not more than twenty dollars for each offence, except where herein otherwise stated.

CHAPTER XXIV.

AN ORDINANCE FOR THE INSPECTION OF ANIMALS AND PROVISIONS.*

SECTION.
1. Appointment of inspector of animals and provisions.
2. Inspection of meat, provisions, etc. To be seized and destroyed when found to be unwholesome, etc. Portion of money received to be paid to owner.
3. Inspection of veal.
4. Inspector may enter buildings for inspection, etc. Penalty for obstructing inspector, etc.
5. Penalty for sale, etc. of unwholesome meat, produce, etc.

Appointment of inspector of animals and provisions. 1894, c. 491.

SECTION 1. The mayor and aldermen shall annually in the month of March, appoint a suitable person to be an inspector of animals and provisions. Said inspector shall be sworn faithfully to discharge the

*Public Statutes, chapter 58, relative to inspection and sale of provisions, and animals intended for slaughter, accepted by city council March 11, 1885.

duties of his office, and shall receive such reasonable compensation as the city council may determine. He may be removed at any time by the mayor and aldermen, but in case of removal another person shall be immediately appointed in his place. Said inspector shall make such inspections, perform such duties, and keep such records as are required by statute. The board of health shall have at all times the right to inspect said records and make copies thereof.

Inspection of meat, provisions, etc. 1894, c. 491, § 10.

SECTION 2. Said inspector may inspect the carcass of all slaughtered animals, and all meats, fish, vegetables, produce, fruits or provisions of all kinds found in the city, and shall make such inspections thereof as may be ordered by the board of health.

To be seized and destroyed when found to be unwholesome etc.

Whenever the carcass of any such animal is, in the opinion of said inspector, diseased or unfit for food, or when such meat, fish, vegetables, produce, fruit or provisions are found, on such inspection, to be tainted, diseased, corrupted, decayed or unwholesome, from any cause, said inspector shall seize the same and cause it or them to be destroyed forthwith, or disposed of otherwise than for food; but if at the time of such seizure the owner of the property so seized notifies in writing said inspector that he desires to appeal to the board of health, said inspector shall retain the possession of such carcass, meat, fish, vegetables, produce, fruit or provisions so seized,

and shall immediately notify the board of health of such appeal, and it shall thereupon be the duty of the board of health or a committee thereof, consisting of not less than two members, to hear the parties or inspect such seized carcass, meat, fish, vegetables, produce, fruit or provisions, and if, in the opinion of said board or said committee, the same is tainted, diseased, corrupted, decayed or unwholesome, they shall order the same to be destroyed forthwith, or to be disposed of otherwise than for food. If said board or committee do not so find they shall order said carcass, meat, fish, vegetables, produce, fruit or provisions to be forthwith returned to the owner thereof.

Portion of money received to be paid to owner.

All moneys received by said inspector or board of health for property disposed of as aforesaid shall, after deducting all expenses incurred by reason of said seizure, be paid to the owner of such property.

Inspection of veal.
1894, c. 491, § 12.

SECTION 3. Said inspector may inspect all veal found in the city or offered or exposed for sale or kept with the intent to sell therein, and shall make such inspection whenever ordered so to do by the board of health, and if said veal is, in the opinion of said inspector, that of a calf killed under four weeks old, he shall seize the same and cause it to be destroyed or disposed of as provided in the preceding section, subject however to the provisions therein contained concerning appeal and the disposal of moneys.

Inspector may enter buildings for inspection etc. 1894, c. 491, § 13.

SECTION 4. For the purpose of inspecting or examining any animal, carcass, meat, fish, vegetables, produce, fruit or provisions of any kind, said inspector may enter into any building or buildings, or any part thereof, enclosure or enclosures, or other place where any such animal, carcass, meat, fish, vegetables, produce, fruit or provisions of any kind are stored or kept, or exposed for slaughter or sale, and may examine or inspect the same. Any person who prevents, obstructs or interferes with said inspector in the performance of any of his duties as provided herein, or who shall hinder, obstruct or interfere with his making any such inspection or examination, or who shall secrete or remove any animal, carcass, meat, fish, vegetables, fruit or provisions of any kind, for the purpose of preventing the same from being inspected or examined under the provisions of this ordinance, shall be subject to a fine not exceeding one hundred dollars, or to imprisonment in jail not exceeding sixty days, or by both such fine and imprisonment as provided by statute.

Penalty for obstructing inspector etc. 1894, c. 491, § 13.

Penalty for sale etc., of unwholesome meat, produce, etc.

SECTION 5. Whoever knowingly sells or offers or exposes for sale, or has in his possession with the intent to sell, for food, any diseased animal, or any product thereof, or any tainted, diseased, corrupted, decayed or unwholesome carcass, meat, fish, vegetables, produce, fruit or provisions of any kind,

or the veal of a calf killed under four weeks old, shall be punished by imprisonment in jail not exceeding sixty days, or by a fine not exceeding one hundred dollars, or by both such fine and imprisonment as provided by statute.

CHAPTER XXV.

AN ORDINANCE CONCERNING DEALERS IN JUNK, OLD METALS AND SECOND-HAND ARTICLES.

SECTION.
1. Licenses to dealers in junk, etc., how granted. License fee.
2. Keepers of shops to keep record of articles purchased.
3. Keeper of shop to put up sign.
4. Shops may be examined.
5. No purchases to be made of minors. Articles purchased not to be sold for one week.
6. When shops shall not be open.
7. License required to set up and use wagons, etc., for collecting junk. Not to purchase of minors. Name and number of license to be placed on each vehicle. License fee.
8. Licenses to be signed and recorded by city clerk. Validity of license.
9. Revocation of license.
10. All provisions to be incorporated in license.
11. Penalty.

Licenses to dealers in junk, etc., how granted. P. S. 102, §§ 28–31, and 124–127. 1882, c. 258.

SECTION 1. The board of aldermen may license suitable persons to be dealers in and keepers of shops for the purchase, sale, or barter of junk, old metals, or second-hand articles, in this city. Such licenses may be granted during the month of April to take effect on the first day of May then next ensuing, and after said first day of May may be granted by said

board to continue in force until the first day of the following May, unless sooner revoked. Two dollars shall be paid for the use of the city for each license issued. License fee.

SECTION 2. Every keeper of such a shop, shall keep a book, in which shall be written, at the time of every purchase by him of any such article, a description thereof, the name, age, and residence of the person from whom, and the day and hour when, such purchase was made; and such book shall, at all times, be open to the inspection of the board of aldermen, and of any person by them authorized to make such inspection. Keepers of shops to keep record of articles purchased.

SECTION 3. Every keeper of such a shop shall put in some suitable and conspicuous place on his shop, a sign, having his name and occupation legibly inscribed thereon, in large letters. Keeper of shop to put up sign.

SECTION 4. Every such shop, and all articles of merchandise therein, may be at any time examined by the board of aldermen, or by any person by them authorized to make such examination. Shops may be examined.

SECTION 5. No keeper of such a shop shall, directly or indirectly, either purchase or receive by way of barter or exchange any of the articles aforesaid No purchases to be made of minors.

of a minor or apprentice, knowing or having reason to believe him to be such; and no article so purchased or received shall be sold, until a period of at least one week from the date of its purchase or receipt has elapsed.

Articles purchased not to be sold for one week.

When shops shall not be open.

SECTION 6. No such shop shall be opened on Sunday, nor on any other day of the week except during the hours between sunrise and ten o'clock in the evening; and no keeper thereof shall purchase any of the articles aforesaid during the hours such shop is required to be closed.

License required to set up and use wagons, etc. for collecting junk. P. S. 28, § 25.

SECTION 7. The board of aldermen may license any licensed dealer in junk, old metals, or second-hand articles, to set up and use any wagon or other vehicle, for the purpose of collecting any of the articles aforesaid, in this city; and no person shall set up and use any vehicle for said purpose, without a license from said board, for each vehicle to be so set up and used. No person thus licensed shall, directly or indirectly, either purchase or receive by way of barter or exchange any of the articles aforesaid of a minor or apprentice, knowing or having reason to believe him to be such. Every vehicle so licensed shall have the name of the person licensed and the number of the license, placed upon the outside and each side thereof in plain legible words and figures of not less

Not to purchase of minors.

Name and number of license to be placed on each vehicle.

than one and one-half inches in length, and so that the same may be distinctly seen. One dollar shall be paid to the city clerk for the use of the city, for each license granted under this section. License fee.

SECTION 8. Every license so granted shall be made, signed and recorded, by the city clerk as required by law, and before it is delivered to the licensee. No license granted and issued as aforesaid shall be valid to protect the holder thereof in any building or place other than that designated in the license, unless consent to removal is granted by the board of aldermen, which consent shall be indorsed on the license. Licenses to be signed and recorded by city clerk. Validity of license.

SECTION 9. Any license granted under this ordinance may be revoked at the pleasure of the board of aldermen, and when such a license is revoked, the city clerk shall note such revocation upon the face of the record of the license, and shall give written notice to the holder of the license, by delivering the same to him in person or leaving it at the place of business designated in the license. Revocation of license.

SECTION 10. All the provisions of this ordinance shall be incorporated in every such license. All provisions to be incorporated in license.

SECTION 11. Whoever not being so licensed keeps such shop or is such dealer, or being licensed keeps Penalty.

such shop or is such dealer in any other place or manner than that designated in his license, or after notice to him that his license has been revoked, shall forfeit twenty dollars for each offence; and whoever violates any rule, regulation, or restriction contained in this ordinance or in his license, shall forfeit a sum not exceeding twenty dollars for each offence.

CHAPTER XXVI.

AN ORDINANCE RELATING TO THE SURVEY OF LUMBER.

SECTION.
1. Election of surveyors of lumber.
2. Duties of surveyors.
3. Record to be kept of all lumber surveyed and fees received. Surveyors to make annual report.
4. Lumber surveyed and fees collected to be in accordance with statute.

Election of surveyors of lumber.
1840, c. 44.
P.S. 63, §§ 6-19.
1890, c. 159, §§6, 7.
1894, c. 83.

SECTION 1. There shall be elected annually in the month of January, by concurrent vote of both branches of the city council, two surveyors of lumber, who shall be sworn, and shall hold office for one year from the first day of February in the year in which they are elected, and until their successors are elected and qualified. They may he removed at any time by the city council, and vacancies may be filled for the remainder of the term, in the manner above provided.

Duties of surveyors.

SECTION 2. Said surveyors, when requested so to do by either the purchaser or seller, shall survey oak and other hard wood commonly used in ship building, mahogany, ash, and other ornamental wood, and all other lumber brought into the city for sale, but no surveyor shall survey lumber in which he has a pecuniary interest.

Record to be kept of all lumber surveyed, and fees received.

SECTION 3. Each surveyor shall keep a record of all lumber surveyed by him, and the amount of fees received therefor, which record shall at all times be open to the inspection of the mayor or any member of the city council; and on or before the fourth Monday in December in each year, he shall report to the city council the amount, kinds and qualities of all lumber surveyed by him, and the amount of fees received therefor during the preceding financial year.

Surveyors to make annual report.

Lumber surveyed and fees collected to be in accordance with statute.

SECTION 4. All lumber surveyed, and all fees collected, shall be surveyed and collected in accordance with the laws of this commonwealth, and under the penalties and forfeitures therein provided.

CHAPTER XXVII.

AN ORDINANCE RELATING TO THE MARKET AND MARKET-HOUSE.

SECTION.
1. Appointment of superintendent of market.
2. Superintendent to have care of market, etc. When any person sells, etc., unwholesome meat, etc., notice to be given inspector of animals.
3. Limits of market defined. When limits may be extended.
4. Superintendent to have control of wagons, and assign stands. Proviso. No person to occupy other stand than one assigned. Penalty.
5. Penalty for short weights, measures, etc.
6. Sale of poultry regulated. Penalty. Board of health to enforce provisions.
7. Leasing of stalls, etc. No tenant to underlet, etc.
8. No tenant to permit filth, etc., to be thrown into or remain within market limits or stalls. Filth, etc., not to be thrown into the passage-ways or on sidewalks. Penalty.
9. Stalls, etc., to revert to city when vacated, or if tenant neglects to pay rent etc.

Appointment of superintendent of market. 1816, c. 103, §§ 1, 2.

SECTION 1. The mayor and aldermen shall annually, in the month of January, and whenever a vacancy occurs, appoint a city marshal, or some other officer of the police force, as superintendent of the market, and such officer shall serve without compensation as such superintendent.

Superintendent to have care of market, etc.

SECTION 2. Said superintendent shall, under direction of the board of aldermen, have the care and superintendence of the market, and it shall be his duty to preserve order therein, and to execute and carry into effect all the regulations and ordinances concerning the same which may be made and established, from time to time, by the board of aldermen or the city council; and it shall be his duty to enter

complaint for any violation of such regulations or ordinances. Whenever any person, within the market limits, sells or offers for sale, or has in his possession with the intent to sell, for food, any tainted, diseased, corrupted, decayed or unwholesome meat, fish, vegetables, produce, fruit or provisions of any kind, said superintendent shall forthwith notify the board of health and the inspector of animals and provisions, thereof.

When any person sells, etc., unwholesome meat, etc., notice to be given inspector of animals.

SECTION 3. The limits of the market shall be the lower floor and basement of the market-house, in Derby Square (so called) ; the streets on the east and west sides of said market-house; the area south of said house; Front street on both sides from Washington to Central street; and the lower floor of the brick building on Front street known as the city fish market; *provided, however*, that said superintendent under direction of the board of aldermen, may extend said limits, if necessary, on the three days preceding Thanksgiving and Christmas days.

Limits of market defined.

When limits may be extended.

SECTION 4. Said superintendent shall, under direction of the board of aldermen, have the control of all carts, wagons, sleighs, and other vehicles or carriages within the limits of the market, and may assign stands within said limits, for the sale of provisions and other articles; *provided, however*, that no

Superintendent to have control of wagons, and assign stands.

Proviso.

such vehicle shall be assigned a stand on Front street, if there is sufficient room for the same in the streets on the east and west sides of the market house, or in the area south of the market house; and that whenever it is necessary to assign such stands on said Front street such assignment shall begin at the entrance to Derby square and extend east and west therefrom. No person shall occupy any other stand than the one so assigned, nor keep any cart, wagon, sleigh, or other vehicle or carriage, or horse or other beast, within said limits, for any longer space of time, or shall range or locate them in any other manner or form, than the superintendent of the market shall direct. Every person offending against any provision of this section, shall be liable to a penalty of not less than five dollars nor more than ten dollars for each offence.

No person to occupy other stand than one assigned.

Penalty for short weights, measures, etc.

SECTION 5. If any person shall, within the limits of the market, sell, or offer for sale, any article which shall be deficient in weight or measure for which he sells the same, or offers it for sale; or shall practice any fraudulent dealings within said limits, and shall be convicted thereof, or of either of the offences enumerated in this ordinance; he shall be liable to a penalty not exceeding ten dollars for each offence.

Sale of poultry regulated. 1887, c. 94.

SECTION 6. No poultry, except it be alive, shall be sold or exposed for sale until it has been properly

dressed, by the removal of the crop and entrails when containing food, and whoever knowingly sells or exposes for sale poultry contrary to the provisions of this section shall be punished by a fine of not less than five nor more than fifty dollars for each offence as provided by statute. The board of health shall cause the provisions of this section to be enforced.

Penalty.

Board of health to enforce provisions.

SECTION 7. The several stalls and cellars in the market-house, and the lower floor of the fish market, shall be rented by the board of aldermen upon such terms and conditions as said board may prescribe, but such conditions shall include all the provisions of this ordinance relating to said stalls, cellars and market, and the rent thereof shall be paid to the city collector monthly. No tenant shall underlet the premises rented by him, or any part thereof, nor permit the same, or any part thereof, to be occupied by any other person, nor carry on any business therein other than that for which the premises are rented, without the assent of the board of aldermen, under the penalty of forfeiting his right to said premises.

Leasing of stalls, etc.

No tenant to underlet, etc.

SECTION 8. No tenant shall throw or permit to be thrown into any part of the market limits, or permit to remain within the limits of his stall or cellar, any filth, animal substance, scrapings, or any kind of dirt, or useless or offensive matter, but shall place

No tenant to permit filth, etc., to be thrown into or remain within market limits or stalls.

the same in a tight vessel approved by said superintendent, and shall cause the same to be removed as said superintendent shall direct; and no person shall throw or sweep into the passage-ways, or on the sidewalks, or into the streets or public places adjoining the market-house, or deposit therein or thereon, any filth, animal or vegetable substance, scrapings or sweepings, damaged salt, brine or pickle, or foul water. Whoever shall violate any provision of this section shall be liable to a penalty not exceeding ten dollars for each offence.

Filth, etc., not to be thrown into the passage-ways or on sidewalks.

Penalty.

Stalls, etc., to revert to city when vacated, or if tenant neglects to pay rent etc.

SECTION 9. If the tenant of any stall or cellar in the market-house or of the fish market, shall from any cause vacate the same, or shall receive legal notice from the board of aldermen to vacate the same, or shall neglect or refuse to pay his rent for the space of seven days after the same shall become due and payable, or shall neglect or refuse to comply with any regulations established for the good order and cleanliness of the market-house, the market limits, and the adjoining sidewalks and streets, the premises occupied by said tenant shall thereupon revert to the city and be at the disposal of the board of aldermen.

CHAPTER XXVIII.

AN ORDINANCE RELATING TO THE ORDINANCES OF THE CITY.

SECTION.
1. Enacting style of ordinances.
2. Ordinances to be recorded in book kept for that purpose.
3. When ordinances take effect.
4. Meaning of the word "street" defined. Width of sidewalks.
5. Who liable for offences.
6. Power to grant permit or license when anything is prohibited without such permit or license.
7. Fines and penalties to be paid into city treasury.
8. Ordinances to be published, and printed with city documents.

Enacting style of ordinances. 1836, c. 42, § 20. P. S. 3, § 3, ¶ 15.

SECTION 1. All by-laws of the city shall be denominated ordinances, and the enacting style shall be, "*Be it ordained by the city council of the city of Salem, as follows:*"

Ordinances to be recorded in book kept for that purpose.

SECTION 2. All ordinances of the city shall be recorded at length by the city clerk, in the order in which they are passed and in a book kept for that purpose, made of strong linen paper, with proper margins and index. Said book shall be lettered on the back:—"Record of Ordinances of the city of Salem," shall be kept in the office of the city clerk and shall be open to public inspection.

When ordinances take effect.

SECTION 3. All ordinances shall take effect from and after their passage unless otherwise specially provided.

Meaning of the word

SECTION 4. The word "street" or "streets," when

"street" defined.

used in any ordinance, shall be construed as including alleys, lanes, courts, public squares, public places, public ways and sidewalks, unless such construction would be inconsistent with the manifest intent of the ordinance. Whenever a sidewalk is not raised above the surface of a street, a space five feet in width on each side of the street, measuring from the street line towards the middle of the street shall be deemed and taken to be the sidewalk of the same within the meaning of any ordinance.

Width of sidewalks defined.

Who liable for offences.

SECTION 5. When any thing is prohibited in any ordinance, not only the person actually doing the prohibited thing, but also the employer and any person concerned therein, shall be liable to the penalty prescribed.

Power to grant permit or license when anything is prohibited without such permit or license.

SECTION 6. When in any ordinance, any thing is prohibited from being done without the permission or license of a certain officer, officers or board, such officer, officers or board shall have the power to permit or license such thing to be done.

Fines and penalties to be paid into city treasury.

SECTION 7. All fines and penalties for the violation of any ordinance, or any order of the board of aldermen, shall, when recovered, inure to the use of the city, and be paid into the city treasury, unless it be otherwise directed by law or ordinance.

SECTION 8. Every ordinance shall, except when otherwise provided, be published by the city clerk three times successively, in two newspapers published in this city; and shall be printed with the city document of the year next subsequent to the date of their adoption.

Ordinances to be published, and printed with city documents.

CHAPTER XXIX

AN ORDINANCE RELATING TO PUBLIC PARKS.*

SECTION.
1. Appointment of park commissioners. Not to hold certain other offices.
2. Powers and duties. No expense to be incurred until an appropriation is made by two-thirds vote.
3. Election and duties of president.
4. Annual report to be made.
5. Members of board, etc., not to be interested in contracts, etc.

SECTION 1. The present members of the board of park commissioners consisting of five competent persons appointed by the mayor as provided by statute shall continue in office until the expiration of their terms of office unless sooner removed. The mayor shall, before the first Monday in May in each year hereafter, with the approval of the city council, appoint one such commissioner to continue in office for five years from the expiration of the term of the

Appointment of park commissioners. 1882, c. 154. 1884, c. 226. 1890, c. 240. 1893, c. 300. 1893, c. 416.

*Acts of 1890, chapter 240, accepted at municipal election, December 13, 1892.

commissioner then next out-going. Such approval shall be expressed by concurrent vote of the city council and by ballot. No person shall be such commissioner who is at the same time a member of the city council, city clerk, or city treasurer; any such commissioner may be removed by a concurrent vote of two-thirds of the whole of each branch of the city council. Any vacancy occurring in such board shall be filled for the residue of the term of the commissioner whose place is to be filled in the manner in which such commissioner was originally appointed. Such commissioners shall serve without compensation.

Not to hold certain other offices.

Powers and duties.

SECTION 2. The board of park commissioners shall have power to locate within the limits of the city a public park or parks, and for that purpose from time to time to take in fee by purchase, gift, devise or otherwise, any and all such lands as they may deem desirable therefor, or to take bonds for the conveyance thereof to the city; to lay out and improve any such park or parks; to make rules for the use and government thereof, and for breaches of such rules to affix penalties not exceeding twenty dollars for one offence, to be imposed by any court of competent jurisdiction; to appoint all necessary engineers, surveyors, clerks and other officers, including a police force to act in such parks; to define the powers and duties of such officers and fix the amount of their

compensation; and generally to do all acts needful for the proper execution of the powers and duties granted to or imposed upon the city or upon said board by statute:— *provided, however*, that no land shall be taken, or any other thing involving an expenditure of money be done under statute as aforesaid, until an appropriation sufficient to cover the estimated expense thereof, shall have been made by a vote of two-thirds of each branch of the city council; and such expenditures shall in no case exceed the appropriations made therefor, and all contracts made for expenditures beyond the amount of such appropriations shall be void.

No expense to be incurred until an appropriation is made by two-thirds vote.

SECTION 3. The board of park commissioners shall elect one of their number as president, and he shall exercise a general supervision over all public parks of the city, and the materials and property connected therewith, and over all subordinate officers and agents. In case of his absence or disability, his duties may be performed by a president *pro tempore* to be elected by the board.

Election and duties of president.

SECTION 4. Said board shall annually on the fourth Monday of December make report to the city council of their doings, including detailed statements of all receipts, expenditures and liabilities for the preceding financial year.

Annual report to be made.

Members of board, etc., not to be interested in contracts, etc.

SECTION 5. No member of said board, and no person appointed to any office or employed by virtue of section two of this ordinance, shall be interested, directly or indirectly, in any contract, bargain, sale or agreement, in relation to said parks or lands, or any matter or thing connected therewith, wherein the city is interested; and any and all contracts, bargains, sales or agreements, made in violation of this section, shall be void as to the city.

CHAPTER XXX.

AN ORDINANCE CONCERNING PAWNBROKERS.

SECTION.
1. Licenses to pawnbrokers, how granted and revoked.
2. Licenses to be signed and recorded by city clerk. Validity of license. License fee.
3. Person licensed to keep record of articles left for pawn, etc.
4. Not to receive any article from minors. Restriction as to sale of articles.
5. Shop may be entered and examined. Penalty for obstructing officer.
6. Penalty for carrying on business without license, etc.

Licenses to pawnbrokers, how granted and revoked.
P. S. 102, §§ 32-37.
P. S. 102, §§ 124-127.

SECTION 1. The board of aldermen may license suitable persons to carry on the business of pawnbrokers in this city, subject to the laws of the commonwealth, and may revoke such licenses at pleasure. Such licenses may be granted during the month of April, to take effect on the first day of May then

next ensuing, and shall continue in force for one year; and after the first day of May such licenses may be granted by said board to continue in force until the first day of the following May, unless sooner revoked. Whenever such a license is revoked, the city clerk shall note the revocation upon the face of the record of the license, and shall give written notice to the holder of the license, by delivering said notice to him in person or leaving it at the place of business designated in the license.

Licenses to be signed and recorded by city clerk.

SECTION 2. Every such license shall be signed by the city clerk, and shall be recorded by him in a book kept for that purpose before being delivered to the licensee; such license shall set forth the name of the person licensed, the nature of the business, and the building or place in which it is to be carried on. No such license shall be valid to protect the holder thereof in a building or place other than that designated in the license, unless consent to removal is granted by the board of aldermen. Two dollars shall be paid for the use of the city for each license issued.

Validity of license.

License fee. 1882, c. 258.

Person licensed to keep record of articles left for pawn, etc.

SECTION 3. Every person licensed to carry on said business shall keep a book at his place of business in which he shall enter a minute description of any article left for pawn at the time of receiving it,

particularly describing any prominent or descriptive marks on the same, and the name, age (where there can be a reasonable doubt as to whether the person is a minor or not) and residence (giving the street and number when possible), of the person from whom, and the day and hour when, he received it, and the amount paid thereon.

Not to receive any article from minors.

SECTION 4. No pawnbroker shall, directly or indirectly, receive any article in pawn of any minor or apprentice, knowing or having reasonable cause to believe him to be such; and no article received in pawn shall be sold until the expiration of the time and in the manner provided by statute.

Restriction as to sale of articles. P. S. 102, § 33. 1894, c. 324.

Shop may be entered and examined. P. S. 102, § 35.

SECTION 5. The city marshal or the board of aldermen, or any officer authorized by either of them, may at any time enter upon any premises used by a licensed pawnbroker for the purposes of his business, ascertain how he conducts his business, and examine all articles taken in pawn or kept or stored in or upon said premises, and all books and inventories relating thereto. Any person who wilfully hinders, obstructs or prevents such officers from entering such premises or making such examination, shall be punished as provided by statute.

Penalty for obstructing officer. P. S. 102, § 36.

Penalty for

SECTION 6. Whoever not being licensed carries

on such business or is concerned therein within this city, or being licensed carries on such business or is concerned therein in any other place or manner than that designated in his license, or after notice to him that his license is revoked, shall pay a fine not exceeding fifty dollars for each offence, as provided by statute.

carrying on business without license, etc. P. S. 102, § 87.

CHAPTER XXXI.

AN ORDINANCE FOR THE REGULATION OF PLUMBING.

SECTION.
1. Board of examiners of plumbers, how constituted. Compensation.
2. Organization of board, and examination of applicants desiring to engage in plumbing business. Licenses, how granted. License fees.
3. No person to engage in or work at plumbing business without license or certificate.
4. Certain applicants to be examined as to qualifications, etc. Registration. Certificates to be issued. Fee for certificates.
5. Appointment of inspectors of plumbing. Compensation. Duties. Inspectors not to be interested in plumbing business. Board of health may make rules and regulations.
6. Plumbing work to be approved by board of health, and not to be done without permit.
7. Drains and soil pipes. Cleanouts.
8. Rain water leaders.
9. Ventilators.

SECTION.
10. Iron pipes, how placed etc. Work to be tested.
11. Traps. Air pipes.
12. Drip or overflow pipes.
13. Waste pipes from refrigerators, etc.
14. Water closets.
15. Pipes and fixtures not to be concealed until inspected.
16. Plumbing work not to be used until tested.
17. Steam exhausts.
18. Grease traps.
19. Work already constructed to be open to inspection, and to be reconstructed if dangerous.
20. Provisions to apply only to work performed since Dec. 29, 1893.
21. Provisions to apply to persons now or hereafter learning the plumbing business.
22. Definition of soil pipes and waste pipes.
23. Portion of fees may be expended. Annual report.
24. Penalties.

SECTION 1. There shall be in the city of Salem a Board of ex-

aminers of plumbers, how constituted. 1894, c. 455, § 3.

board of examiners of plumbers, consisting of the chairman or such other member of the board of health as said board may designate, and the inspector of buildings, who shall be members *ex-officio* of said board, and serve without compensation, and a third member, who shall be a practical plumber of at least five years' continued practical experience either as a master or as a journeyman during the years next preceding the date of appointment. Said third member shall be appointed by the board of health annually before the first day of June, and shall be allowed a sum not exceeding five dollars for each day of actual service as the board of health may determine, to be paid him from the city treasury.

Compensation.

Organization of board, and examination of applicants desiring to engage in plumbing business. 1894, c. 455, § 4.

SECTION 2. Said board of examiners shall annually as soon as may be after the appointment of said third member, meet and organize by the selection of a chairman, and shall then designate the times and places for the examination of all applicants desiring to engage in or work at the business of plumbing within the city of Salem. Said board shall examine said applicants as to their practical knowledge of plumbing, house drainage and plumbing ventilation, and shall submit the applicant to some satisfactory form of practical test, and if satisfied of the competency of the applicant, shall so certify to the board of health. Said board of health shall thereupon

Licenses,

issue a license to such applicant, authorizing him to engage in or work at the business of plumbing, either as a master or employing plumber, or as a journeyman plumber. The fee for a license for a master or employing plumber shall be two dollars, for a journeyman plumber it shall be fifty cents, and shall be paid to said board of health for the use of the city. Said licenses shall be valid and have force throughout the Commonwealth, and shall be renewed annually upon payment of a fee of fifty cents. In case any person shall remove to this city from the jurisdiction of the board or inspector issuing an original license, the license may be renewed by the board of health of this city.

how granted.

License fees.

SECTION 3. No person, firm or corporation, shall engage in or work at the business of plumbing either as a master or employing plumber or as a journeyman plumber unless such person, firm or corporation has received a license or certificate therefor, in accordance with the provisions of this ordinance, or of the statutes, and whenever any such person, firm or corporation shall change his or their place of business, notice thereof shall be immediately given to the board of health.

No person to engage in or work at plumbing business without license or certificate. 1894, c. 455, § 1.

SECTION 4. Any person not engaged in or working at the business of plumbing prior to the tenth day of

Certain applicants to be examined as

to qualifications, etc. 1894, c. 455, § 2.

July in the year eighteen hundred and ninety-three, and desiring to engage in or work at said business, either as a master or employing plumber, or as a journeyman plumber, shall apply to the board of health and shall, at such time and place as may be designated by the board of examiners hereinafter provided for, to whom such applications shall be referred, be examined as to his qualifications for such business. Every master or employing plumber, and every journeyman plumber, engaged in or working at the business of plumbing in this Commonwealth prior to the tenth day of July in the year eighteen hundred and ninety three, and desiring to engage in or work at said business in this city shall personally register his name and address at the office of the board of health unless previously registered, and state after being sworn where and how long he has been engaged in or has worked at said business and whether as a master or employing plumber, or as a journeyman plumber. Said board of health if satisfied that the person so registering was actually engaged in or working at said business prior to said date shall thereupon issue to him a certificate, setting forth that he was engaged in or working at the business of plumbing either as a master or employing plumber, or as a journeyman plumber, as the case may be, prior to the tenth day of July in the year eighteen hundred and ninety-three, and authorizing him to engage in or

Registration.

Certificates to be issued.

work at said business, either as a master or employing plumber, or as a journeyman plumber. The fee for a certificate for a master or employing plumber shall be two dollars; for a journeyman plumber it shall be fifty cents. In the case of a firm or corporation the examination and licensing of, or the registration of and granting a certificate to, any one member of the firm or the manager of the corporation shall satisfy the requirements of this ordinance.

Fees for certificates.

SECTION 5. The board of health shall appoint one or more inspectors of plumbing, who shall be practical plumbers of at least five years' continued practical experience, either as masters or journeymen, during the years next preceding the date of appointment and who shall hold office until removed by said board of health for cause, which must be shown. All such inspectors shall before appointment be subjected to an examination before the civil service commission. The compensation of such inspectors shall be determined by said board of health, subject to the approval of the city council, and shall be paid from the city treasury. Said inspector shall inspect all plumbing work for which permits are hereafter granted within the city of Salem, in process of construction, alteration or repair; and shall report to said board of health all violations of any law, ordinance, rule or regulation, relating to plumbing work, shall inspect

Appointment of inspectors of plumbing. 1894, c. 455 § 5.

Compensation.

Duties.

all pipes, tanks, faucets, valves, and other fixtures by and through which waste water or sewage is used and carried, report any defect in the same to the board of health, which board may order changes therein to be made by the owners, and also perform such other appropriate duties as may be required. No inspector of plumbing, while holding office, shall be interested directly or indirectly in the business of plumbing or the furnishing of plumbing materials or supplies. Said board of health may make rules and regulations in regard to plumbing and house drainage, provided the same are not inconsistent with the provisions of this ordinance.

Inspectors not to be interested in plumbing business.

Board of health may make rules and regulations.

Plumbing work to be approved by board of health, and not to be done without permit.

SECTION 6. No pipes, tanks, faucets, valves or other fixtures by and through which waste water or sewage is used and carried shall be hereafter placed in any building in the city of Salem except in accordance with plans which shall be approved by the board of health, or by such person or persons as said board of health may designate; and no plumbing work shall be done except in the case of repair of leaks, without a permit being first issued therefor by the board of health. Applications for such permit shall be made to said board of health upon blanks provided for the purpose, and shall contain a statement of the work to be performed, a brief description of the building within which said work is to be

done, the number of such building upon the street, and the name of the person by whom the work is to be done. Every permit issued by said board of health shall be subject to such terms and conditions as said board shall prescribe, and to the following terms and conditions, which shall be expressed therein, viz.:— 1. That all work shall be done in a workmanlike manner; and, 2. That all the provisions of statute law and the city ordinances relating to plumbing shall be complied with.

Drains and soil pipes.

SECTION 7. Drains and soil pipes through which waste water and sewage is used and carried shall be of heavy iron when placed within a building and for a distance not less than five feet outside of the foundation walls thereof. They shall be sound, free from holes and other defects, and shall be of uniform thickness of the full weight specified in the following table for the corresponding internal diameter, viz.:—

2 inch diameter 5 1-2 lbs. per lineal foot.
3 inch diameter 9 1-2 lbs. per lineal foot.
4 inch diameter 13 lbs. per lineal foot.
5 inch diameter 17 lbs. per lineal foot.
6 inch diameter 20 lbs. per lineal foot.

They shall be securely ironed to walls, laid in trenches to a uniform grade, or suspended from floor timbers by strong iron hangers. They shall be supplied with a suitable trap placed with an accessible

clean-out either outside or inside the foundation wall of the building. They shall have a proper fall toward the main drain or common sewer, and soil-pipes shall be carried out through the roof open and undiminished in size to such height as may be directed by said board of health; but not less than two feet above any window or opening into the building. Changes in direction shall be made with curved pipes, and connections with horizontal pipes shall be made with Y branches. A suitable clean-out shall be provided in the drain near the point where it leaves the building in as direct a line as possible with the sewer connection and on all runs of horizontal pipe so as to admit of cleaning from every point.

Clean-outs.

Rain water leaders.

SECTION 8. Rain-water leaders, when connected with soil or drain pipes, shall be suitably trapped.

Ventilators.

SECTION 9. Sewer, soil-pipe or waste pipe ventilators shall not be constructed of brick, sheet metal or earthenware; and chimney-flues shall not be used as such ventilators.

Iron pipes, how placed, etc.

SECTION 10. Iron pipes, before being put in place, shall be coated inside and out with coal tar, applied hot, or with paint, or with some other equivalent substance. Joints shall be run with molten lead and thoroughly caulked and made tight.

Connections of lead pipes with iron pipes shall be made with brass ferules properly soldered and caulked to the iron. After soil and drain pipes are in place, with all lead connections requiring caulked joints, the inspector or inspectors of plumbing shall be notified that the work is ready for testing, and in his or their presence the outlets shall be plugged and the whole system filled with water to the top. Work to be tested.

SECTION 11. Every sink, basin, bath tub, water closet, slop hopper, and each set of trays, and every fixture having a waste-pipe, shall be furnished with a trap, which shall be placed as near as practicable to the fixture which it serves. Water-closet traps shall be protected from siphonage or air pressure by special air pipes of not less than two-inch bore for forty feet or less, and not less than three-inch bore for more than forty feet except as hereinafter provided. One trap shall be permitted to serve for one set of wash trays and a sink, provided the distance between said fixtures is not less than two feet and the diameter of the trap is not less than five inches. On all stacks of pipe above two inches in diameter, the fixtures need not be back vented provided there are no water-closets above waste connections, and the trap to be a five inch round trap with trap screw under water and all fixtures to be not more than ten feet from stack. Traps of other fixtures when two or more Traps.

discharge into the same waste pipe, unless it be a soil pipe of not less than four inches in diameter shall be protected from siphonage by special air pipes of a size not less than the waste pipe. Air pipes shall be run as direct as practicable, and shall be not less than four-inch bore where they pass through the roof. Two or more air pipes may be connected with the main vent pipe; such connection shall be above the upper fixture of the building. Water-sealing traps of any pattern may be used, when separate air pipe connections from the top of the same are provided; where separate air pipe connections are not provided, traps which will not unseal shall be used; such traps to be satisfactory to the inspector of plumbing. No ventilation shall be required from a round trap four inches or more in diameter in cases where there is no other plumbing than a sink waste and in which no other soil matter is admitted.

Air pipes.

Drip or over-flow pipes.

SECTION 12. Drip or over-flow pipes from safes under water closets and other fixtures, or from tanks or cisterns, shall be run to some place in open sight, and in no case shall any such pipe be connected directly with a drain, soil pipe or waste pipe.

Waste pipes from refrigerators, etc.

SECTION 13. Waste pipes from refrigerators, or other receptacles in which provisions are stored, shall not be connected with a drain, soil pipe or other waste

pipe, unless such waste pipes are provided with traps, suitably ventilated, and in every case there shall be an open tray between the trap and refrigerator.

Water closets.

SECTION 14. Every water closet shall be supplied with water from a tank or cistern, and the flushing pipe shall be not less than one and one-quarter inches in diameter, but this requirement shall not apply to water closets substituted for vaults, where the same are located outside of the building proper, and such water closets may be so arranged as to receive their supply directly from the main, with such fixtures as are satisfactory to the board of health.

Pipes and fixtures not to be concealed until inspected.

SECTION 15. Pipes and other fixtures shall not be covered or concealed from view until after the work has been examined by the inspector or inspectors of plumbing, and he or they shall be notified by the plumber when the work is sufficiently advanced for inspection. Such inspection shall be made as soon as possible, and not later than forty-eight hours, after receiving said notice.

Plumbing work not to be used until tested.

SECTION 16. Plumbing work shall not be used unless the same has been first tested, at the expense of the plumber, by the inspector or inspectors of plumbing with the water test, and by him or them found satisfactory.

Steam exhausts.

SECTION 17. No steam exhaust shall be connected with any soil or waste pipe, or drain which communicates with a public sewer.

Grease traps.

SECTION 18. A grease trap shall be constructed in the drain pipe of every hotel, eating house, restaurant, or other public cooking establishment, and it shall be located by the inspector or inspectors of plumbing.

Work already constructed to be open to inspection, and to be reconstructed if dangerous.

SECTION 19. All work already constructed relating to the plumbing or drainage system shall be open for examination and inspection, and if found dangerous to the public health, shall be reconstructed in a manner satisfactory to the board of health.

Provisions to apply only to work performed since Dec. 29, 1893.

SECTION 20. The provisions of section six to sixteen inclusive, shall apply only to work performed and to buildings erected from and after the twenty-ninth day of December, 1893.

Provisions to apply to persons now or hereafter learning the plumbing business.

SECTION 21. The provisions of this ordinance shall apply to all persons who are now or may be hereafter learning the business of plumbing, when they are sent out to do the work of a journeyman plumber.

Definition of

SECTION 22. The words "soil pipe" when used

in this ordinance shall be construed as including the main ventilating shaft or pipe and the main house drain connecting with the common sewer. The words "waste pipe" when used in this ordinance shall be construed to mean any pipe or conductor of waste water connecting any fixture or fixtures, or the waste-pipe of any fixture or fixtures, with the main ventilating shaft or pipe, or with the main house drain. soil pipes and waste pipes.

SECTION 23. The board of health may expend such portion of all fees collected by them under this ordinance as shall become necessary to properly perform all duties imposed thereunder, and shall annually, before the first day of June, make a full report in detail to the city council of all their proceedings during the year specified in this ordinance. Portion of fees may be expended. 1894, c. 455, § 11. Annual report.

SECTION 24. Any person violating any provision of this ordinance or any rule or regulation made thereunder, shall be subject to a fine not exceeding fifty dollars for each and every violation thereof, as provided by statute. If such person has received a license under this ordinance, his license may be revoked by the board of health, and if such violation was committed in this city by a person licensed in some other city or town, the board of health may forbid him to engage in or work at the business of plumbing in this city for a period not exceeding one Penalties

year. If any person to whom a certificate has been issued under this ordinance violates any provision thereof, the board of health may forbid him to engage in or work at the business of plumbing in this city for a period not exceeding one year. Any person engaging in or working at the business of plumbing in this city, when forbidden so to do under this section shall be subject to a fine not exceeding one hundred dollars for every such offence as provided by statute.

CHAPTER XXXII.

AN ORDINANCE RELATING TO THE POOR DEPARTMENT.

SECTION.
1. Board of overseers, how constituted. Powers and duties.
2. Election of members.
3. Election of clerk. Duties.
4. Further duties. Annual report. Clerk to supervise applications for relief. Approval of bills.
5. Appointment of superintendent of almshouse, etc. Duties. Compensation.
6. Meetings of overseers. Orders and regulations.
7. Books, records and property may be examined by city council.

Board of overseers, how constituted.
Act of 1778.
1836, c. 42, §§ 8, 9.
1859, c. 181.
P. S. 33.
P. S. 84.
1886, c. 150.

SECTION 1. The board of overseers of the poor of the city of Salem shall consist of twelve persons, two from each ward, together with the mayor, who shall be, *ex officio*, a member of and chairman of said board. Said board shall have all the powers, and be subject to all the duties and liabilities, provided by

law, and shall have the care and management of the almshouse, and all the buildings, grounds and land adjacent thereto or connected therewith, including the city farm, so called.

1886, c. 319, § 3. 1890, c. 414, § 2. Powers and duties.

SECTION 2. The city council shall annually in the month of January, elect by joint ballot, in convention, six members of said board, one from each ward, for the term of two years, commencing on the first day of February in the year in which they are elected. Vacancies in said board may be filled by the city council in the manner provided, and the person elected to fill any vacancy shall hold office during the remainder of the term for which his predecessor was elected.

Election of members. 1886, c. 42, § 8. 1859, c. 181. P. S. 27, §§ 78, 79.

SECTION 3. The board of overseers shall annually in the month of February elect by ballot, a suitable person as clerk of said board, and he shall hold office for one year from the first day of February in the year of his election, and until another is elected in his place unless sooner removed. He shall receive such compensation as the city council may determine, and he shall not be a member of said board. He may be removed at the pleasure of said board and a vacancy in the office shall be filled by said board by ballot for the remainder of the term. Said clerk shall perform the duties required of him by this

Election of clerk.

Duties.

ordinance, and such others as may be required of him by the board of overseers.

Further duties.

SECTION 4. Said clerk shall perform the duties of clerk of the almshouse and shall make out bills for all sums due the poor department on account of the almshouse, city farm or otherwise, and deliver the same to the city collector for collection. He shall

1898, c. 423, § 12.

keep books, wherein he shall enter in a neat and methodical style, and so arranged as to be readily referred to upon such books, the information required by law in regard to all needy persons aided under direction of said board, and all further information as to every case of relief given, asked for or refused, the preservation of which may be of importance to the city or to the commonwealth, stating the amount and kind of aid given, and the reasons for giving such aid or for refusing the same. He shall keep a true and correct account of all receipts and expenditures in said department specifying separately the receipts and expenditures on account of the city farm; and

Annual report.

shall annually in the month of December present to the city council a report thereof, for the preceding

Clerk to supervise applications for relief.

fiscal year. He shall supervise all applications to the overseers for relief, investigate the same, and report the result thereof to the board; and shall keep a record of all persons assisted by the city who do not reside in Salem, in order that proper charges for the

same may be recovered from those liable for their support; and a record of those persons having a settlement in Salem who receive aid from other places. All bills against the department, shall, after approval by said board, be sent to the city auditor as provided by ordinance before payment by the city treasurer.

Approval of bills.

SECTION 5. Said board shall annually in the month of February, and whenever a vacancy occurs, appoint a suitable person to be superintendent of the almshouse and city farm, who shall hold his office for one year, and until his sucessor is appointed, unless sooner removed by said board. It shall be the duty of said superintendent to keep a record of all persons admitted to the almshouse, specifying for each person the name, age, sex, place of birth; whether married, single or widowed; the name of husband or wife (if ever married); the dates when admitted and discharged; with such other information as he may deem desirable, and he shall perform such other duties as may be required of him by said board. He shall receive such compensation as the board of overseers may determine.

Appointment of superintendent of almshouse, etc. P. S. 33, § 3.

Duties.

Compensation.

SECTION 6. Once in every month, and at other times as occasion may require, the board of overseers shall hold meetings for the purpose of determining the best mode of discharging their duties, and at

Meetings of overseers. P. S. 33, § 4.

Orders and regulations.

such monthly meetings, may make needful orders and regulations for the almshouse, which shall be forthwith transmitted to the city council, for their approval, and shall be binding until the city council has approved or disapproved the same, and if approved shall remain in force until revoked by the city council. Special meetings of the board may be called at any time by the mayor.

Books, records and property may be examined by city council.

SECTION 7. All books, records, papers, reports and property pertaining to the poor department, may be examined at any time by the board of aldermen, or by any person or committee appointed for the purpose by the city council or either branch thereof.

CHAPTER XXXIII.

AN ORDINANCE IN RELATION TO PRINTING AND ANNUAL REPORTS.

SECTION.
1. Printing and binding of city documents, etc.
2. No bills for printing allowed, unless approved.
3. Annual reports to be submitted on fourth Monday of December. How made. Proviso.
4. Annual reports to be printed and bound. To be numbered.
5. Uncompleted work to be completed by committee of next city council. All documents to be printed in uniform style.

Printing and binding of city documents etc.

SECTION 1. The joint standing committee on printing, shall contract for the printing of all documents and papers ordered printed by the city council

or either branch thereof, and for binding the same when necessary, except in cases when some other committee, board or officer, is specially authorized to procure the same to be done.

SECTION 2. No bill for printing shall be allowed by the city auditor or committee on accounts, unless the same shall be approved by the committee on printing, or by the committee, board or officer authorized to incur the expense.

No bill for printing allowed, unless approved.

SECTION 3. All annual reports required to be made to the city council or board of aldermen shall be submitted on the fourth Monday of December, unless otherwise provided, and shall then be filed in the office of the city clerk. Said reports shall be made up to the close of the preceding financial year, and upon paper of uniform size and quality, to be furnished by the city clerk:—*provided, however*, that if any officer retires from office previous to the expiration of his term of service, his report shall be made for that portion of the year in which he held office.

Annual reports to be submitted on fourth Monday of December.

How to be made.

Proviso.

SECTION 4. The joint standing committee on printing, shall cause all such reports to be copied for printing, and a sufficient number printed and bound for the use of the inhabitants of the city, the same to

Annual reports to be printed and bound.

be ready for distribution on or before the first day of March following their presentment; and said reports shall be numbered in consecutive order beginning with number "One."

To be numbered.

Uncompleted work to be completed by committee of next city council.

SECTION 5. All documents or other matters referred to the joint standing committee on printing, the printing of which shall not be completed at the end of any municipal year, shall be completed under the direction of the joint standing committee on printing of the next city council; and all documents printed by order of the city council, or any department, shall be printed in uniform style.

All documents to be printed in uniform style.

CHAPTER XXXIV.

AN ORDINANCE RELATING TO PUBLIC PROPERTY.

SECTION.
1. Election of joint standing committee on public property.
2. Committee to have care and superintendence of city buildings, and the erection and repair thereof; also, of city grounds etc. other than parks. Care of town hall and polling places. No building to be erected or altered until those in charge of the department have approved location and plans. No building to be erected or repaired when estimated cost exceeds $200.00, except by vote of city council.
3. Committee to keep record of property, leases, etc.
4. To keep record of deeds given to or by the city.
5. To preserve plans, etc., of real property.
6. Annual report.
7. May permit temporary use of city buildings. Proviso.
8. City council to furnish school houses, and provide fuel.

Election of

SECTION 1. The city council shall annually in the

month of January, elect by ballot in concurrence, a joint standing committee on public property, consisting of two members of the board of aldermen, and three members of the common council.

Joint standing committee on public property.

SECTION 2. Said committee shall have the general care and superintendence of the schoolhouses and all other buildings belonging to the city, and of the erection, alteration and repair thereof, and of all grounds, or inclosures belonging to the city other than public parks, except as otherwise provided by law or ordinance, and subject always to such rules, orders and regulations, as the city council may adopt. Said committee shall have the care of the town hall and the rooms selected for ward and precinct meetings, and shall have the same kept clean and said rooms properly warmed, lighted and furnished for said meetings. No building for use of either the school, poor, fire or water departments, shall be erected or materially altered, until the committee or board in charge of the department for which the building is to be erected or altered, has approved the location and plans. No building shall be erected, nor shall any alteration or repair of any building be made, if the estimated cost of such erection, alteration or repair shall exceed two hundred dollars, except by a vote of the city council expressly authorizing the same.

Committee to have care and superintendence of city buildings, and the erection and repair thereof; also, of city grounds etc. other than parks. 1886, c. 42, § 8.

Care of town hall and polling places.

No building to be erected or altered until those in charge of the department have approved location and plans.

No building to be erected or repaired when estimated cost exceeds $200.—except by vote of city council.

Committee to keep record of property, leases, etc.

SECTION. 3. Said committee shall cause to be kept a complete and careful record of all its doings, and of the exact condition of each parcel of real property belonging to the city, with a description of the same; also, a record of all personal property belonging to the city, and of all leases given to or by the city.

To keep record of deeds given to or by the city.

SECTION 4. Said committee shall also cause to be kept a book, in which shall be registered all deeds which may be given by or to the city, together with a brief description of the property.

To preserve plans, etc., of real property.

SECTION 5. Said committee shall also cause to be carefully preserved all plans, descriptions or surveys of the real property of the city, which are now or may hereafter be prepared for the use of the city, and whenever any portion of such property is sold, a minute of the same shall be made on such plan, description or survey.

Annual report. 1836, c. 42, § 8.

SECTION 6. Said committee shall annually on the fourth Monday of December, submit to the city council a report of its doings during the preceding financial year and a statement concerning all city property with a schedule thereof.

May permit temporary use of city

SECTION 7. Said committee may permit the temporary use of city buildings, except schoolhouses and

any building the use of which is otherwise regulated by the city council, for other purposes than those for which they are ordinarily used, whenever in their judgment such use is proper and for the public advantage: *provided*, that the ordinary use of any building by any municipal department shall not be interfered with, except with the express consent of the board, committee or officer in charge of such department.

buildings. P. S. 44, § 50.

Proviso.

SECTION 8. The city council shall provide and maintain a sufficient number of school-houses, properly furnished and conveniently located for the accomodation of all the children entitled to attend the public schools, and by its committee on public property shall keep such houses in good order, procure a suitable place for the schools where there is no schoolhouse, and provide fuel and all other things necessary for the comfort of the scholars therein, at the expense of the city.

City council to furnish school houses, and provide fuel. P. S. 44, §§ 46, 51.

CHAPTER XXXV.

AN ORDINANCE RELATING TO THE CITY SEAL.

SECTION.
1. Design of city seal.
2. City clerk to be custodian of seal. To be affixed to any deed, etc., requiring a seal.
3. Penalty for unauthorized use of seal.

Design of city seal.

SECTION 1. The seal of the city shall be circular in form, and shall bear upon its face the design hereto annexed and described, as follows: "In the center thereof, a shield, bearing upon it a ship under full sail, approaching a coast designated by the costume of the person standing upon it, and by the trees near him, as a portion of the East Indies. Beneath the shield this motto, "*Divitis Indiæ usque ad ultimum sinum;*" and above the shield, a dove bearing an olive branch in her mouth. In the circumference encircling the shield the words, "*Salem condita A. D. 1626.*" "*Civitatis regimine donata A. D. 1836.*"

SECTION 2. The city clerk shall be custodian of the city seal, and shall affix, or permit the mayor or any other city officer to affix, the same to any deed, lease, indenture or instrument executed by the city which requires a seal.

City clerk to be custodian of seal. To be affixed to any deed, etc. requiring a seal.

SECTION 3. Whoever without being duly authorized thereto, prints, stamps or affixes, or causes to be printed, stamped, engraved, or affixed to any paper or other article a representation of the city seal, with intent to give to such paper or article an official character which it does not possess, shall be punished by fine not exceeding fifty dollars as provided by statute.

Penalty for unauthorized use of seal. P. S. 205, § 26.

CHAPTER XXXVI.

AN ORDINANCE RELATING TO SEWERS AND DRAINS.

SECTION.
1. Board of aldermen may lay and maintain drains and sewers. To be laid in middle of street. Manner of construction.
2. Persons entering drains into main drain to be assessed, etc.
3. Assessments, how made.
4. Board of aldermen, instead of assessing, may determine reasonable sum.
5. One fourth part of expense to be deducted before making assessment or determination.
6. Assessment on frontage of estates regulated.
7. When assessments are made, city clerk to file declaration in registry of deeds.
8. Commissioner of streets to have supervision of drains and sewers, and construction, etc. Catch-basins.
9. Commissioner to report expense of sewers and a schedule of estates and frontage.
10. Plans of drains and sewers to be kept in city clerk's office. Commissioner to locate on plans all main drains, sewers and private drains.
11. Water and other pipes to be laid so as not to obstruct sewers. Consultation when sewers, or water pipes, are to be laid.
12. No person to enter particular drain into main drain or sewer without permit. Granting of permits. Sum assessed to be paid before permit is issued. Proviso. Commissioner to transmit list of permits.
13. Drains and sewers, how constructed. No person to dig up street, make an opening into sewer, or construct private drains.
14. Licenses to drain layers, how granted. Persons licensed to give bond.
15. Drains subject to action of tide water, how constructed.
16. Penalty for cutting into sewer, or entering private drain, except as provided.
17. Penalty for constructing drains without license.

Board of aldermen may lay and maintain drains and sewers.
1839, c. 46, § 1.
P. S. 50
P. S. 51, §§ 11, 12.
1883, c. 145.
1886, c. 210.
1890, c. 124.
1890, c. 132.
1891, c. 97.
1892, c. 245.

SECTION 1. The board of aldermen may lay, make and maintain, all such main drains or common sewers, as they adjudge to be necessary for the public convenience or the public health, through the lands of any persons or corporations, and may repair the same whenever it is necessary; main drains and common sewers so laid shall be the property of the city, and when laid in any street or way shall be laid

as nearly as possible in the middle thereof, and shall be built in such manner and of such materials and dimensions as the board of aldermen shall direct. When land is taken by virtue of this section, the proceedings shall be those provided by statute.

1893, c. 312. 1893, c. 380. 1894, c. 528. To be laid in middle of street. Manner of construction.

SECTION 2. Every person who enters his particular drain into such main drain or common sewer, or who, by more remote means, receives benefit thereby for draining his cellar or land, shall pay to the city a proportional part of the charge of making and repairing the same, and of the charge, not already assessed, of making and repairing other main drains and common sewers through which the same discharges, to be ascertained, assessed, and certified by the board of aldermen; and notice thereof shall be given to the party to be charged, or to his tenant or lessee.

Persons entering drains into main drain to be assessed, etc.

SECTION 3. Assessments under the previous section shall be made upon owners of estates by a fixed uniform rate, according to the frontage of such estates on any street or way where a sewer is constructed and in accordance with section five of this ordinance, but no assessment in respect to any such estate which by reason of its grade or level, or for any other cause, cannot be drained into such sewer, shall be made, certified or notified, until such incapacity is removed.

Assessments, how made. 1892, c. 245, § 2.

Board of aldermen, instead of assessing, may determine reasonable sum. P. S. 50, § 8.

SECTION 4. The board of aldermen may by vote determine, that, instead of paying an assessment under section two, every person who uses such main drains or common sewers in any manner, shall pay for the permanent privilege to his estate such reasonable sum as they shall determine.

One fourth part of expense to be deducted before making assessment or determination. 1892, c. 245, § 2.

SECTION 5. The board of aldermen in making such assessments or determining such reasonable sums, shall first deduct one fourth part of the expense of constructing, maintaining or repairing such main drains or common sewers, to be paid by the city, and shall assess and apportion the remainder thereof upon the persons and estates entering particular drains into, or making use of, such main drains or common sewers, or receiving benefit therefrom by more remote means.

Assessment on frontage of estates regulated.

SECTION 6. When estates abut upon more than one street or way assessments for sewers based upon frontage shall be assessed upon the frontage upon one such street or way and upon so much of such other street or streets, as is not exempted by the board of aldermen; and said board may exempt from assessment so much of the frontage on such other street or streets as they deem just and equitable.

When assessments are

SECTION 7. Whenever the board of aldermen

passes an order to lay, make and maintain, or repair a main drain or common sewer, for a portion of the expense of which assessments may be made upon real estate, the city clerk shall within ten days thereafter file a declaration thereof in the registry of deeds, as provided by statute.

made, city clerk to file declaration in registry of deeds. P. S. 51, §§ 11, 12.

SECTION 8. The commissioner of streets shall, under direction of the board of aldermen, have the general superintendence of all main drains and common sewers, built or owned by the city, and under said direction shall have charge of the construction, repair and maintenance thereof. Said commissioner shall have constant care of, and keep clean and in proper order and repair, all street catch-basins and connecting drains within the limits of any street, and shall keep the entrances to said basins open and clear of ice in cold weather, so as to permit the flow of surface water into them.

Commissioner of streets to have supervision of drains and sewers, and construction etc.

Catch-basins.

SECTION 9. The commissioner of streets shall keep an accurate account of the expense of constructing or repairing any main drain or common sewer, and shall report the same to the board of aldermen within thirty days after such construction and repair shall be finished, together with a schedule containing the names of the owners of estates abutting thereon or deriving benefit therefrom, the frontage of each

Commissioner to report expense of sewers and a schedule of estates and frontage.

such estate in feet and inches, and the total frontage of all such estates.

Plans of drains and sewers to be kept in city clerk's office. P. S. 50, § 14

Commissioner to locate on plans all main drains, sewers and private drains.

SECTION 10. Plans and descriptions of all main drains and common sewers belonging to the city, with a true record of the charges of making and repairing the same, and of all assessments therefor, shall be kept in the office of the city clerk. The commissioner of streets whenever any main drain or common sewer is built or repaired, shall cause to be inscribed its depth, dimensions, mode of construction, location and direction, on said plans, specifying particularly its distance from the street lines. He shall also from time to time ascertain and cause to be inscribed on said plans the location of all particular drains entering into such drain or sewer.

Water and other pipes to be laid so as not to obstruct sewers.

SECTION 11. Whenever any street or way is opened for the laying of pipes for water, gas or other purposes, or for the prosecution of any work of construction, all work connected therewith shall be so executed as not to obstruct in any way, the course, capacity or construction of a common sewer, and whenever any pipe or work of construction is found to exist at such a depth or in such location as to intefere with any existing sewer, or with the construction of any sewer of proper size, depth and grade, the department, corporation or person maintaining

the same, shall, upon notice thereof from the commissioner of streets, at once remove, change or alter such pipes or other works, in such manner as said commissioner may direct. If such department, corporation or person neglects to comply immediately with the terms of such notice, said commissioner may make such removal, change or alteration, and the expense thereof shall be paid by such department, corporation or person. When any sewer is to be constructed, or any water pipe is to be laid, in any street or way, said commissioner and the superintendent of the water works shall consult with each other in regard to the location of such sewer or pipe, or any sewer or pipe existing in such street or way.

Consultation when sewers, or water pipes, are to be laid.

SECTION 12. No person shall enter a particular drain into any main drain or common sewer, or into a private drain connected with any main drain or common sewer, without a permit in writing from the commissioner of streets, which permit on the completion of the work, shall be returned to the said commissioner, indorsed by the drain layer with a statement of his procedings thereunder. Said commissioner is hereby authorized under direction of the board of aldermen to grant such permits for estates which abut on the sewer into which an entrance is desired. Each permit and the application therefor shall be subject to the provisions of this ordinance,

No person to enter particular drain into main drain or sewer without permit.

Granting of permits.

and shall state in detail the premises to which it applies, and the time, place and manner of constructing such particular drain. Each permit may, at the discretion of said commissioner, be subject to the condition that such entrance shall be made in the presence of an inspector designated by him. No private or particular drain shall be entered into any main drain or common sewer, from any estate or part of an estate not already assessed, or not liable to assessment, for the cost of such main drain or sewer, except by the consent of the board of aldermen.

Sum assessed to be paid before permit is issued.

Every person to whom a permit is granted shall before such permit is issued pay to the city treasurer the sum assessed or determined by said board;

Proviso.

provided, however, that if such sum has not been assessed or determined, such permit may be issued subject to the condition that such payment shall be made whenever said sum shall be assessed or determined as aforesaid. Said commissioner of streets, on the first Monday of each month, shall transmit to the board of aldermen, a list of all such permits granted by him during the previous month.

Commissioner to transmit list of permits.

Drains and sewers, how constructed.

SECTION 13. All drains and common sewers in a street or highway shall be substantially made or repaired with brick or stone, or with such other materials and in such manner as the board of aldermen

may direct. All particular drains, between common sewers and the street lines shall be built of such materials, of such size and laid in such manner and direction, as the board of aldermen may direct. No person shall dig or break up the ground in a street or highway for the laying, altering or repairing of a main drain or common sewer, and no opening shall be made into a main drain or common sewer for the purpose of connecting a particular drain therewith, and no work shall be done in constructing or repairing private drains from any house, cellar, yard, or other premises connecting with such main drain or common sewer, except by the commissioner of streets, or by persons licensed in writing for that purpose as provided in the following section.

No person to dig up street, make an opening into sewer, or construct private drains.

SECTION 14. The board of aldermen may license suitable and competent persons, to be drainlayers, and such licenses shall continue in force until revoked by said board, and they may be revoked at any time. Every person so licensed shall, before performing any work authorized thereby, execute a bond to the city, in the sum of five hundred dollars, with a sufficient surety to be approved by the board, conditioned for the faithful performance of such work as he may execute under his license, and for making good any defects which may appear in any such work performed by him, or by any one under his direction.

Licenses to drain layers, how granted.

Persons licensed to give bond.

Drains subject to action of tide water, how constructed.

SECTION 15. No drain connecting with a common sewer, subject to the action of tide water, shall be constructed without a plug or clapper to prevent completely the reflux of drainage matter, and storm or tide waters.

Penalty for cutting into sewer, or entering private drain, except as provided.

SECTION 16. Whoever cuts into, interferes with, or obstructs a common sewer, or enters a particular drain therein, except as provided in this ordinance, shall be liable to a penalty not exceeding twenty dollars for each offence.

Penalty for constructing drains without license.

SECTION 17. If any drain in a street or way be constructed or repaired, or any excavation be made for that purpose, by any person not duly licensed therefor, the person doing such work, and the owner, tenant or agent directing the same, shall each be liable to a penalty not exceeding twenty dollars for each offence.

CHAPTER XXXVII.

AN ORDINANCE RELATING TO SIDEWALKS.*

SECTION.
1. Construction of sidewalk when owner of land desires the same. Proviso. Construction in case of owner's neglect.
2. Commissioner of streets to keep record of edgestones furnished.
3. How edgestones shall be set and sidewalks constructed. Commissioner to keep record of acceptance, and to keep sidewalk in repair.
4. Provisions of public statutes accepted.
5. Board of aldermen may grade, etc., sidewalks, and assess abutters. May also construct gravel sidewalks when necessary to protect street, etc. Expense, how paid. Proviso.
6. Removal of snow from sidewalks.
7. Removal of ice from sidewalks.
8. Barbed wire fence forbidden within six feet above the ground along any sidewalk.

SECTION 1. Whenever the owner of any land abutting on a public street or way in this city, desires the construction of a permanent sidewalk in front of such land, the commissioner of streets, shall, under direction of the board of aldermen, cause edgestones to be furnished and set in front of said land at the expense of the city; *provided, however*, that such owner shall first make written application to said commissioner for the same in a book kept for that

Construction of sidewalk when owner of land desires the same.
P. S. 50, §§ 20-25.
P. S. 51, §§ 11-17.
1885, c. 299.

Proviso.

*Acts of 1869, chapter 154, an Act concerning sidewalks in the city of Salem, accepted by the city council April 14, 1880.

Acts of 1872, chapter 303, an Act in relation to sidewalks in cities, accepted by city council, December 10, 1880. (See Revised Ordinances 1880, chapter 39).

Acts of 1874, chapter 107, an Act concerning sidewalks accepted by the city council December 10, 1880. (See Revised Ordinances 1880, Chapter 39).

Acts of 1878, chapter 249, an Act relating to the appointment of sewer and sidewalk assessments, accepted by the city council December 10, 1880. (See Revised Ordinances, 1880, chapter 39).

Public Statutes, chapter 51, relating to betterments and other assessments on account of the cost of public improvements, accepted by city council July 30, 1887.

purpose, agreeing therein to construct and cover such sidewalk at his own expense with brick, concrete, or other material, satisfactory to said commissioner, within thirty days from the time such edgestones are set, or in case he shall fail to do so that the same may be constructed and the expense paid as hereinafter provided. If any such owner neglects to construct and cover such sidewalk within the thirty days aforesaid, said commissioner shall request said owner, in writing, to complete the same, and if said owner continues such neglect for thirty days after receiving such request, said commissioner shall cause such sidewalk to be constructed and covered at the expense of said owner, and shall make out a bill for the same, and deliver it to the city collector for collection.

Construction in case of owner's neglect.

Commissioner of streets to keep record of edgestones furnished.

To make annual report.

SECTION 2. Said commissioner shall keep a record of all edgestones furnished and set by the city, stating to whom and the times and places when and where the same were delivered and the expense thereof; and shall report to the city council on the fourth Monday of December annually, a statement of the same for the preceding financial year.

How edgestones shall be set and sidewalks constructed.

SECTION 3. All such edgestones shall be set, and the sidewalks graded, constructed and covered under the direction and to the satisfaction of the commissioner of streets, and when so constructed the same

shall be accepted by said commissioner; and he shall make and keep a record thereof, and furnish a certificate of such acceptance to any such owner who applies therefor, and such sidewalk shall thereafter be kept in repair by said commissioner at the expense of the city.

Commissioner to keep record of acceptance, and to keep sidewalk in repair.

SECTION 4. Sections twenty, twenty-one, twenty-two, twenty-three and twenty-five of chapter fifty of the public statutes relative to sidewalks are hereby accepted and adopted.

Provisions of public statutes accepted.

SECTION 5. The board of aldermen may establish, grade, and construct sidewalks, and complete partially constructed sidewalks, with or without edgestones, and may cover the same with brick, flat stones, concrete, gravel, or other appropriate material, in such streets of the city as in their judgment the public convenience may require, and may assess the abutters on such sidewalks, as provided in sections twenty to twenty-five inclusive of chapter fifty of the public statutes. Said board may also cause edgestones to be set and gravel sidewalks constructed in any public street in the city, whenever they deem it necessary for the better protection of the street or foot travellers, and the expense thereof shall be paid from the appropriation for the street department; *provided, however*, that no such edgestone shall be

Board of aldermen may grade, etc., sidewalks, and assess abutters. P. S. 50, §§ 20–25.

May also construct gravel sidewalks when necessary to protect street, etc.

Expense, how paid.

Proviso.

set or sidewalk constructed, until said board has by vote authorized the same, specifying therein the exact location of such sidewalk and the length thereof, with the name of the owner or owners of the abutting estate.

Removal of snow from sidewalks. P. S. 53, § 7.

SECTION 6. The tenant or occupant, and in case there shall be no tenant or occupant, the owner, or any person having the care of any building or lot of land bordering on any street, lane, court, square or public place, within the city, where there is a footway or sidewalk, shall cause all snow that may be on such footway or sidewalk to be removed therefrom within six hours after the snow ceases to fall if it ceases to fall in the day time, and before twelve o'clock at noon if it ceases to fall in the night time, and if he neglects so to do, he shall be liable to a penalty not less than two dollars nor more than ten dollars for each offence. The provisions of this section shall apply to snow which falls from buildings as well as to that which falls from the clouds.

Removal of ice from sidewalks. P. S. 53, § 7.

SECTION 7. Whenever any footway or sidewalk, or any part thereof, adjoining any building or lot of land on any street, lane, court, square or public place is encumbered with ice, it shall be the duty of the tenant or occupant, and in case there is no tenant or occupant, it shall be the duty of the owner, or any

person having the care of such building or lot, to cause such footway or sidewalk to be made safe and convenient, by removing the ice therefrom, or by making such ice even and keeping it covered with sand, ashes or some other suitable material to prevent slipping, within six hours after the ice forms if in the daytime, and before twelve o'clock noon if it forms in the night time; and if he neglects so to do, he shall be liable to a penalty not less than two dollars nor more than ten dollars for each offence.

Barbed wire fence forbidden within six feet above the ground along any sidewalk. 1884, c. 272.

SECTION 8. No barbed wire fence shall be built or maintained within six feet above the ground along any sidewalk located on or upon any public street or highway. Any person offending against the provisions of this section shall be punished by a fine not less than twenty dollars nor more than fifty dollars, as provided by statute.

CHAPTER XXXVIII.

AN ORDINANCE CONCERNING THE MUNICIPAL LOAN SINKING FUND.

SECTION.
1. Sinking fund to be maintained. Election of commissioners. Proviso. Election of treasurer.
2. Amount to be raised by taxation annually.
3. Investment of fund. Commissioners to keep record and make annual report. Record and securities to be open to inspection.
4. Payment of debt.

Sinking fund to be maintained. P. S. 29 §§ 9, 10, 11.

SECTION 1. The municipal loan sinking fund heretofore established, shall continue to be maintained, and shall be under the charge of a board of commissioners consisting of three suitable persons, one of whom shall be elected annually in the month of January, by concurrent vote of both branches of the city council, and shall hold office for three years from the first day of February in the year in which he is elected: *provided, however*, that the commissioners now in office shall serve for the remainder of the term for which they were respectively elected. Vacancies in said board may be filled by the city council in the manner above provided and the person elected to fill a vacancy shall hold office during the remainder of the term for which his predecessor was elected. The remaining member or members shall in case of a vacancy exercise the powers of the board until the vacancy is filled. The commissioners shall choose a treasurer, who may be the city treasurer; and if the

Election of commissioners.

Proviso.

Election of treasurer.

city treasurer is chosen he shall serve without compensation, and his bond shall apply to and include duties performed as treasurer of said board.

Amount to be raised by taxation annually.

SECTION 2. There shall be annually set apart by the city council for said fund, from the amount raised by taxation, a sum not less than one thousand dollars for the payment and redemption of the public library debt, which sum shall be paid each year, to said commissioners by the city treasurer.

Investment of fund. P. S. 29, § 11 1894, c. 146.

SECTION 3. Said commissioners shall receive all sums contributed to said fund, and shall invest and re-invest the same, and the income thereof as it accrues, in the name of the board, and in accordance with the laws of the commonwealth.

Commissioners to keep record, and make annual report.

They shall keep a record of their proceedings, and shall annually, on the fourth Monday of December, make a written report to the city council, of the amount and condition of said fund and the income thereof, for the preceding financial year.

Record and securities to be open to inspection.

The record of and the securities belonging to said fund, shall at all times be open to the inspection of the mayor and aldermen, or the joint standing committee on finance and appropriations.

Payment of debt.

SECTION 4. When said public library debt becomes due, said commissioners shall pay over and

transmit to the city treasurer so much of the funds in their hands as may be required for the payment of such debt, or if the funds are insufficient, so much as shall be to the credit of said sinking fund, and take his receipt therefor.

CHAPTER XXXIX.

AN ORDINANCE CONCERNING THE WATER LOAN SINKING FUND.

SECTION.

1. Sinking fund to be maintained.
2. Amount to be raised by taxation annually.
3. Trustees of fund. Investment of fund. To keep record, and make annual report. Record and securities to be open to inspection.
4. Payment of water loan.

Sinking fund to be maintained. 1864, c. 268, § 13. P. S. 29.

SECTION 1. The sinking fund heretofore established for the payment and redemption of the principal of the city of Salem water loan, shall continue to be maintained.

Amount to be raised by taxation annually.

SECTION 2. There shall be annually set apart by the city council, for said fund, from the amount raised by taxation, a sum not less than twenty-six thousand dollars, which sum shall be paid each year, to the trustees of said fund by the city treasurer.

Trustees of fund.

SECTION 3. The mayor, president of the common council, and city treasurer for the time being, shall be

trustees of said fund. Said trustees shall receive all sums contributed to said fund, and shall invest and re-invest the same, and the income thereof as it accrues, in the name of the board, and in accordance with the laws of the commonwealth; and shall keep a record of their proceedings, and shall annually on the fourth Monday of December, make a written report to the city council of the amount and condition of said fund, and the income thereof, for the preceding financial year. The record of and the securities belonging to said fund, shall at all times be subject to the inspection of the mayor and aldermen, or the joint standing committee on finance and appropriations.

Investment of fund.

To keep record and make annual report.

Record and securities, to be open to inspection.

SECTION 4. Whenever any part of said water loan, for which said fund was established, or any securities issued in renewal thereof, becomes due, said trustees shall pay over and transmit to the city treasurer so much of the funds in their hands, as may be required for the payment thereof, or if the funds are insufficient so much as shall be to the credit of said sinking fund, and take his receipt therefor.

Payment of water loan.

CHAPTER XL.

AN ORDINANCE RELATING TO STABLES.

SECTION.
1. No person to use stable for more than four horses without license.
2. No person to use livery stable within two hundred feet of a church without consent of the society.
3. Penalty.

No person to use stable for more than four horses without license.
P. S. 102, §§ 38, 39.
1890, c. 230.
1890, c. 395.
1891, c. 220.

SECTION 1. No person shall erect, occupy or use any building in this city for a stable for more than four horses unless first licensed so to do by the board of health, and in such case only to the extent so licensed.

No person to use livery stable within two hundred feet of a church without consent of the society.

SECTION 2. No person shall occupy or use in this city any building for a livery stable or a stable for taking and keeping horses and carriages for hire or to let, within two hundred feet of any church or meeting-house erected and used for the public worship of God, without the consent in writing of the religious society or parish worshipping therein.

Penalty.

SECTION 3. Any person violating the provisions of this ordinance shall be punished by a fine of five dollars for each and every day such offence continues, as provided by statute.

CHAPTER XLI.

AN ORDINANCE RELATING TO THE COMMISSIONER OF STREETS.

SECTION.
1. Election of commissioner of streets.
2. Office hours. To keep record of contracts, receipts and expenditures. To make annual report. Monthly report of receipts and expenditures.
3. To have care of streets, sidewalks, etc., and grading, etc., thereof. May contract for labor and hire employees. To keep streets clean and remove obstructions, etc.
4. To have care of stables, tools and other property of street department.
5. Notice of defect in streets to be given to commissioner. Defects, etc., to be repaired forthwith. When street or bridge is unsafe, a fence to be erected, etc.
6. When new street is to be constructed, or surface of any street to be broken up, commissioner to notify certain companies. Abutters to be also notified. No person to break up surface of street for six months after notice is given, except, etc. Streets not to be opened by drain-layers between November 15th, and April 15th.
7. Contract for watering streets. One half of expense to be assessed upon abutters.

Election of commissioner of streets.

SECTION 1. The city council shall annually in the month of January, elect by ballot in concurrence, a commissioner of streets, who shall, under the direction of the board of aldermen, perform the duties and exercise the powers of a surveyor of highways, as provided in the statutes of the commonwealth, and who shall hold his office for one year from the first day of February in the year in which he is elected, and until his successor is elected and qualified, or he is removed, and he may be removed at any time by concurrent vote of the city council. He shall receive such compensation for his services as the city council shall determine. In case the office shall become

vacant, by death, resignation or otherwise, a successor shall forthwith be elected for the remainder of the term in the manner above prescribed. The commissioner of streets shall be subject to the direction of the board of aldermen in all his official acts.

Office hours. To keep record of contracts, receipts and expenditures.

SECTION 2. The commissioner of streets shall attend at his office in the city hall each business day from 11 1-2 o'clock A. M. until 12 1-2 o'clock P. M., unless detained elsewhere by business. He shall keep a record of all his proceedings, and a set of books, in which shall be entered, under appropriate heads, all contracts made by him, the receipts and expenditures in his department, with the names of all persons who have furnished materials, and of all workmen and the amount paid or due to each. On the fourth Monday of December, annually, he shall submit a report to the city council, containing a statement in detail of the expenses of his department during the preceding fiscal year, the amount expended on the various streets, and for constructing and repairing main drains or common sewers, and such other information as he may consider desirable, together with an estimate in detail of the property under his charge belonging to the city. He shall keep an exact account of his receipts and expenditures, and present the same monthly to the board of aldermen for their examination and allowance.

To make annual report.

Monthly report of receipts and expenditures.

To have care of streets, and sidewalks, etc., and grading etc. thereof. P. S. 52.

SECTION 3. The commissioner of streets shall, under the direction and control of the board of aldermen, have the general care and charge of the public streets and places, highways and lanes, sidewalks and bridges of the city; shall attend to the construction, grading, widening and alteration thereof, and cause the same to be kept in good repair, so as to be safe and convenient for travel, and contract for all labor and material that may be required in the discharge of his official duty, with the right to hire, and the general control of, all persons employed in the street department. He shall keep the streets clean and in good order, and shall remove all nuisances, obstructions and encroachments therein, or give notice thereof to the mayor, city marshal, board of aldermen, or board of health, as may be required.

May contract for labor and hire employees.

To keep streets clean and remove obstructions, etc.

To have care of stables, tools and other property of street department.

SECTION 4. The commissioner of streets shall under direction of the board of aldermen, have the care and superintendence of the stables, horses, carts, tools, implements, and all other property connected with the street department, and shall keep the same in good condition and repair.

Notice of defect in streets to be given to commissioner.

SECTION 5. Every officer or person employed by the city upon any defect, obstruction or want of repair, in any public street or place, coming to his knowledge, shall forthwith notify the commissioner of streets;

and said commissioner, or some competent person detailed by him, shall examine the same without delay, and if it appears from such examination that the city is liable for the repair or removal of such defect or obstruction said commissioner shall forthwith cause the same to be repaired or removed. Whenever any highway, street or bridge, is from any cause unsafe for travellers, the commissioner of streets shall forthwith put up a suitable fence across such highway, street or bridge, and exclude all travellers from passing over the same; or cause the part thereof, so rendered unsafe to be inclosed by a sufficient fence, which shall be kept standing so long as the place remains unsafe and inconvenient; and he shall also attach one or more lanterns to such fence, or in some other proper manner, and keep the same lighted throughout each and every night such fence is kept standing.

Defects, etc., to be repaired forthwith.

When street or bridge is unsafe, a fence to be erected, etc.

SECTION 6. Whenever the commissioner of streets is about to construct a new street, or to break up the surface of any street, he shall, at least two weeks before beginning work thereon, notify the Salem water board, the Peabody water board, the Salem Gas Light Company, and the Lynn and Boston Railroad Company, if either of said boards or companies have, or have been authorized to lay or place, any pipes or tracks in such street. If either of said boards or

When new street is to be constructed, or surface of any street to be broken up, commissioner to notify certain companies.

companies have any work to be done in the street or streets designated in the notice, it shall consult and arrange with said commissioner, in order that such work may be done before the surface of such street is prepared anew for public travel. He shall also notify the abutters on such street and all other persons interested therein by publishing a notice of the work proposed in one of the Salem newspapers three weeks at least before beginning said work, and if any abutter or other person desires to open said street or do any work therein, application for a permit therefor shall be made forthwith, in order that such work may be done before the surface of the street is prepared as aforesaid. After such notice and opportunity have been given, no such board, company, abutter or person shall, for the space of six months, break up the surface of such street so prepared, except in case of obvious necessity, to be certified to and approved by the mayor. No street or way shall be opened by drainlayers or other persons, between the fifteenth day of November and the first day of the following April, except in cases of necessity certified to and approved by the mayor; but nothing in this section shall prevent connection being made with a common sewer or drain when ordered by the board of health.

Abutters to be also notified.

No person to break up surface of street for six months after notice is given, except, etc.

Streets not to be opened by drain-layers between November 15th and April 15th.

SECTION 7. The commissioner of streets shall

Contract for

watering streets. 1891, c. 179.

annually, under direction of the committee on streets, bridges and sewers, contract with some suitable person or persons for watering such streets or portions of streets as the city council shall annually authorize to be watered, but such contract shall not be executed until the city council has made a sufficient appropriation therefor. No money shall be paid from such appropriation for any watering not specified in the contract, nor shall the contract price exceed the appropriation. Such contract shall be subject to the approval of said committee, and shall provide that such watering shall be done to the satisfaction of said commissioner, and shall be so made that the cost of watering each street or portion of a street, may be separately determined. One half of the expense of such watering shall be assssed upon the estates abutting on such streets, or portions of such streets, in proportion to the number of linear feet of each estate upon such street, or portion thereof, so watered. The amount of such assessments upon each estate shall be determined by said commissioner in accordance with this section and with sections two and three of chapter one hundred and seventy-nine of the Acts of the year 1891, and unless previously paid shall be certified by said commissioner to the assessors or collector of taxes, who shall include the same in the next tax bill issued for an annual tax on such estate, and the same shall be a lien upon each such

One half of expense to be assessed upon abuttors.

estate, and shall be considered as constitutinga part of, and shall be levied, collected, and paid, or abated, in the same manner as the taxes or real estate.

CHAPTER XLII.

AN ORDINANCE REGULATING THE LAYING OUT AND ALTERATION OF STREETS.*

SECTION.
1. Naming of streets.
2. City clerk to keep record of streets. Accepted, altered, etc.
3. Numbering of houses, etc. Penalty.
4. City council may lay out and alter streets and estimate damages.
5. No street to be laid out, etc., until notice has been given. Proviso. Notice not to be issued until plan has been filed.
6. After hearing parties interested, streets may be laid out, etc. Damages to be determined. Time allowed for removal of trees and other obstructions.
7. No street to be established until the laying out is accepted by the common council, and filed in the city clerk's office.
8. Bound stones.
9. No new street to be less than forty feet in width. Exception as to old streets.
10. Streets leading to rivers, etc. to be laid out to low water-mark.
11. City clerk to notify owners of land of time allowed for removal of trees, fences and other property.

SECTION 1. The several streets, ways and squares in the city, shall continue to be called and known by the names heretofore established; and all streets and ways hereafter laid out and accepted shall be named

Naming of streets.

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*Acts 1853, chapter 315, an Act in relation to the grades of certain streets or ways, accepted by the city council, August 1, 1853.

Public Statutes, chapter 51, relating to betterments and other assessments on account of the cost of public improvements, accepted by the city council July 30, 1887.

Acts 1893, chapter 462, an Act to authorize the establishment of a building line on public ways, accepted by the city council, July 11, 1893.

by the city council. The city council may change the name of any street or way at any time, and the commissioner of streets shall place and maintain suitable street signs on each street heretofore and hereafter named by the city council.

City clerk to keep record of streets accepted, altered, etc.

SECTION 2. The city clerk shall keep a book, in which shall be recorded and alphabetically arranged the names of all the streets and ways in the city which are laid out and accepted with the date of such laying out and acceptance, the width of such streets and ways, and all alterations made therein from time to time by the city council.

Numbering of houses, etc.

SECTION 3. The board of aldermen may cause numbers, in regular series, to be affixed to or inscribed on all dwelling-houses and other buildings, now or hereafter erected on any street or way in the city; and may determine the form, size and material of such numbers, and the manner, place, and order of affixing or inscribing them thereon. Any person who shall affix or permit to remain more than one week on any such house or building, any number contrary to the direction of said board, shall be liable to a penalty not exceeding twenty dollars.

Penalty.

City council may lay out and alter

SECTION 4. The city council may lay out any new street or way, or widen or otherwise alter or

discontinue any street or way, and estimate the damages any individual may sustain thereby, but all questions relating to the subject of laying out, widening, altering or discontinuing any street, shall be first acted upon by the board of aldermen.

streets and estimate damages. 1836, c. 42, § 12. 1853, c. 289. 1869, c. 186. 1872, c. 220. 1872, c. 373. P. S. 49.

SECTION 5. No street or way shall be laid out, altered or discontinued, unless seven days at least previously thereto a written notice of the intention of the board of aldermen, to lay out, alter, or discontinue the same, is left by them, or by their order, at the usual place of abode of the owner or owners of the land over which such street or way is proposed to be laid out, altered or discontinued, or unless such notice is delivered to such owner in person or to his tenant or authorized agent: *provided*, that if the owner has no such place of abode in the city, and no tenant or authorized agent therein known to the board of aldermen, or if, being a resident in the city, he is not known as such to said board, such notice shall be posted up in some public place in the city, or advertised in one or more newspapers of the city, seven days at least before the laying out, altering or discontinuing of such street or way. Said notice shall specify the time and place appointed by said board for meeting and hearing the parties interested therein. The board of aldermen shall not issue the order of notice aforesaid until a detailed plan of the proposed

No street to be laid out, etc., until notice has been given. P. S. 49.

Proviso.

Notice not to be issued until plan has been filed.

laying out, alteration or discontinuance drawn by a competent engineer, has been filed in the office of the city clerk, such plan to be furnished at the expense of the petitioners, if any, and to be and remain the property of the city.

After hearing parties interested, streets may be laid out, etc.

SECTION 6. At the time and place appointed and notified as aforesaid, the board of aldermen shall meet, and hear all parties interested who claim to be heard, and may view the premises. And if said board in their judgment, deem that the common convenience and benefit of the inhabitants of the city require such street or way to be laid out, altered or discontinued, they may proceed to lay out, alter or discontinue said street or way, and shall fix the boundaries and measurements of the same, and determine what damages, if any, are sustained by any person in his property, by the laying out, altering or discontinuing of such street or way, the amount of compensation said person shall receive, specify the manner in which such laying out or alteration shall be completed, and the time allowed the owner or owners of the land through which said street or way may pass, to take off trees, fences and other property, which may obstruct the building of such street or way.

Damages to be determined.

Time allowed for removal of trees and other obstructions. P. S. 49, § 80.

No street to

SECTION 7. No street or way, laid out or altered

by the board of aldermen shall be established, nor shall any street or way be discontinued, until such laying out, alteration or discontinuance, with the boundaries and measurements thereof is reported to the common council, and accepted and allowed at a regular meeting of said common council, nor unless the order or decree laying out, altering or discontinuing such street or way, is filed in the office of the city clerk seven days at least before such meeting.

be established until the laying out is accepted by the common council, and filed in the city clerk's office.

SECTION 8. The board of aldermen shall cause permanent bound stones or monuments to be erected as provided by statute, at the termini and angles of all streets or ways laid out or altered by the city council.

Bound stones. P. S. 49, § 98.

SECTION 9. No new street or way except a footway, shall be laid out and accepted by the city council, of a less width than forty feet, provided the land through which it runs, and the estates adjoining said street or way, will admit of such width without material injury to the same; but the city council may lay out and accept any old street or way, whenever in their judgment the common convenience and benefit of the inhabitants require it.

No new street to be less than forty feet in width.

Exception as to old streets.

SECTION 10. No street or way leading directly to any river, pond, or other body of water, shall

Streets leading to rivers, etc., to be laid

out to low water-mark.

be opened, laid out and accepted by the city council, unless it extends to low water-mark, if in the opinion of the board of aldermen it may be so extended without material injury to any adjoining estate.

City clerk to notify owners of land of time allowed for removal of trees, fences and other property. P. S. 49, § 80.

SECTION 11. Upon the laying out, alteration or widening of a street, the city clerk shall notify every owner of land through which the street passes of the time allowed to take off his trees, fences and other property, which will obstruct the building of such street; and said clerk shall keep a record of the time of sending such notice.

CHAPTER XLIII.

AN ORDINANCE REGULATING THE LIGHTING OF STREETS.

SECTION.
1. Board of aldermen authorized to set up lamps, etc., in streets, etc. City council to make contracts and regulations.
2. Appointment of joint committee on lamps and lighting.
3. Election of superintendent of lights.
4. Duties of superintendent.
5. Superintendent to make annual report.
6. Penalty for wilfully breaking lamps, etc.

Board of aldermen authorized to set up lamps, etc., in streets, etc.

SECTION 1. The board of aldermen may cause to be set up and affixed such and so many lamps or lights in the streets and public places in the city, for

the purpose of lighting the same, as they may determine to be convenient and necessary; *provided, however*, that the city council shall make all necessary contracts, rules, orders and regulations, respecting said lamps and lights, the lighting and keeping the same in repair, and the regulation and preservation of the same, as they may deem best for the benefit of the city.

City council to make contracts and regulations.

SECTION 2. There shall be appointed upon the passage of this ordinance and thereafter annually in the month of January a joint standing committee on lamps and lighting, consisting of two members of the board of aldermen and one member of the common council. Said members shall be appointed according to the rules and orders of that branch of the city council to which they respectively belong.

Appointment of joint committee on lamps and lighting.

SECTION 3. The city council shall annually in the month of January, elect by ballot in concurrence, a superintendent of lights, who shall hold his office for one year from the first day of February, in the year in which he is elected, and until his successor is elected, or he is removed. He may be removed at the pleasure of the city council, and a vacancy may be filled at any time for the unexpired term. He shall receive such compensation for his services as the city council may determine.

Election of superintendent of lights.

Duties of superintendent.

SECTION 4. The superintendent of lights shall have charge of all lamps and lights established and maintained by the city, and of all lamp-posts, pipes or fixtures connected with such lamps and lights. He shall have the care and custody of all city property now or hereafter in the possession of the lamp department, and shall maintain and keep the same in good repair; shall see that the streets and public places are lighted by such methods of lighting as the city council may from time to time order, and that such lamps and lights are lighted and extinguished as ordered by the city council, and shall purchase all the supplies required for the lamp department. He shall see that all contracts for gas or electric lights are duly complied with, and shall perform such other services for the lamp department, as the board of aldermen, or the joint standing committee on lamps and lighting, may require; and shall be subject in all his official acts to the direction and control of said board or committee.

Superintendent to make annual report.

SECTION 5. The superintendent of lights shall annually, on the fourth Monday of December, present to the city council a report for the preceding year showing in detail the expenses, the material and other property on hand, the number of street lights in the city, and all other matters of interest relating to the lamp department.

SECTION 6. Whoever wilfully or maliciously extinguishes a lamp, or breaks, destroys or removes a lamp, lamp-post, railing or posts erected on a bridge, sidewalk, street, highway, court or passage, shall be punished by imprisonment in the jail not exceeding six months, or by fine not exceeding fifty dollars, as provided by statute.

Penalty for wilfully breaking lamps, etc. P. S. 208, § 76.

CHAPTER XLIV.

AN ORDINANCE IN RELATION TO STREETS.

SECTION.
1. No person to permit vehicle to stand in street so as to obstruct travel, nor stop on street crossing.
2. Vehicles not to remain in street more than five minutes, without proper care, etc. Proviso.
3. Rate of travel in streets.
4. No vehicle or horse allowed upon sidewalk.
5. Persons in charge of vehicles to stop same when directed by police officer.
6. Grazing animals not to go at large in streets.
7. Animals not to be fastened to lamp posts or poles.
8. No person shall frighten any horse.
9. No person to stand on sidewalk so as to obstruct travel, etc.
10. Bells to be attached to sleighs and sleds. Coasting.
11. No person to dig up street or remove gravel therefrom without permit.
12. Portion of street dug up to be inclosed by rail or fence.
13. Bounds of street to be ascertained before building. Encroachment on streets.
14. No excavation for coal holes, etc., allowed, without permit.
15. No grating to be placed without permit.
16. No person to water street with watering cart unless licensed.
17. Blasting forbidden without permit. Proviso.
18. Ice and snow thrown into street to be spread evenly on surface.
19. Street venders.
20. Wood, coal, etc. not to be placed in street so as to obstruct same.
21. No person to saw firewood in any street, or place it upon sidewalk.
22. Notices, etc., not to be posted on buildings, fences, etc., without consent.
23. Notices, etc., not to be painted etc., on sidewalks, poles. etc., nor on city property, without consent.
24. Playing ball, throwing stones, snow balls, etc. Distribution of hand bills.
25. Bathing.
26. Disorderly behavior and indecent language.
27. Unlawful games forbidden.
28. No awning, shade, etc. to be placed without permit. Removal of same.
29. No post to be placed in street without permit.
30. Signs, etc., not to project into street without permit. Removal of same.
31. Ringing of bells.
32. No person to place dirt, etc., in any drinking fountain.
33. Show-boards, placards, etc., not to be placed or carried in street or on sidewalk.
34. Lumber, boxes, etc., not to be placed on sidewalk.
35. Contents of ash barrels, etc., not to be spilled on sidewalk. Banana skins, etc., not to be thrown on sidewalk.
36. Carpets and rugs not to be cleaned on common, etc.
37. Removal of snow from tracks of street railway.
38. Sprinkling of salt on street railway tracks, etc.
39. Penalty.
40. No prosecution to be made unless complaint is made within six months.

No person to

SECTION 1. No person shall stand with, or permit,

any cart, carriage or other vehicle, under his care or control, to stand in any street so as to obstruct the travel over the same, and no person shall stop with any such vehicle upon or across any street crossing.

permit vehicle to stand in street so as to obstruct travel, nor stop on street crossing nor upon cross walks.

SECTION 2. No person having the charge of a vehicle, with or without an animal attached thereto, shall suffer the same to remain in a street for more than five minutes, without some proper person to take care of the same, unless the animal attached to such vehicle, if any, is hitched to a post or to a sufficient weight, nor for more than ten minutes in any case, if requested by a police officer to move on; *provided, however*, that this section shall not apply to a physician visiting a sick person, nor to any person standing with a vehicle in any place designated by the ordinances of the city for the sale of any article or thing.

Vehicles not to remain in street more than five minutes, without proper care, etc.

Proviso.

SECTION 3. No person having the care of a horse or other beast of burden, carriage or draught, shall ride, drive or permit such horse, or other beast of burden, carriage or draught, to go in any street, at a greater rate of speed than ten miles per hour.

Rate of travel in streets. P. S. 53, §§ 13, 14.

SECTION 4. No person shall drive, wheel, propel or draw along any sidewalk or footpath any vehicle, except children's carriages or sleds drawn by hand. No person having the charge of any horse or beast

No vehicle or horse allowed upon sidewalk. P. S. 53, § 6.

of burden shall drive it, or allow it or any vehicle to which it may be attached, to be driven along or to stand upon any sidewalk, or against or afoul of any person or vehicle.

Persons in charge of vehicles to stop same when directed by police officer.

SECTION 5. No person having the charge of any vehicle in any street, shall neglect or refuse to stop the same, when directed by a police officer, or to place the same when stopped, as he may direct.

Grazing animals not to go at large in streets.

SECTION 6. No owner or person having the charge of any horse, cow, swine, goat or other grazing animal, shall permit the same to go at large in any street.

Animals not to be fastened to lamp-posts or poles.

SECTION 7. No person shall fasten any horse or other animal to any lamp-post, telegraph, electric light or telephone pole, in any street of the city.

No person shall frighten any horse.

SECTION 8. No person shall, in any street, by any words, noise, gestures or other act, wantonly and designedly frighten any horse.

No person to stand on sidewalk so as to obstruct travel, etc.

SECTION 9. No person shall stand on any sidewalk, in such a manner as to obstruct the free passage of foot travellers, nor upon any doorstep, portico, or other projection from any building, annoying or disturbing any person; nor saunter or loiter on any

sidewalk for more than five minutes after being requested by the mayor or any police officer to move on.

Bells to be attached to sleighs and sleds.

SECTION 10. No person shall drive an animal drawing a sleigh or sled in a street during any time that snow or ice covers the streets, unless three or more bells are attached to the shaft or pole of such sleigh or sled, or to the animal, or to some part of the harness thereon. No person shall coast in any street except in such places as are designated by the board of aldermen.

Coasting.

No person to dig up street or remove gravel therefrom without permit.

SECTION 11. No person shall break or dig up, or assist in breaking or digging up, any part of any street, or remove any gravel or other similar thing therefrom, for any purpose whatever, except by permission of the commissioner of streets, and under such restrictions and conditions as he may think proper. Whoever shall, by virtue of such permission, break or dig up, or cause to be dug or broken up, any part of any street, shall cause the same to be repaired and amended, to the satisfaction of said commissioner; and in case of neglect to amend and repair as aforesaid, said commissioner shall cause the same to be repaired and amended, at the expense of the person to whom permission was so granted.

Portion of street dug up to be inclosed by rail or fence.

SECTION 12. Whenever any street is opened or dug up, the person in charge of the work which is being performed, shall cause a sufficient rail or fence, to be erected, so as to inclose that portion of the street or way so opened or dug up, and the material thrown therefrom or to be placed therein; and such fence shall be continued during the whole time such street is open or dug up; and a lighted lantern, or some other proper and sufficient light, shall be affixed to such fence, or placed in the immediate vicinity thereof, from sunset to sunrise each and every night during said time.

Bounds of street to be ascertained before building.

Encroachment on streets.

SECTION 13. No person shall erect or cause to be erected, any fence or building on the line of any street, without first ascertaining the bounds of the street from the commissioner of streets. If any encroachment shall be made upon any street, and the party making it neglects or refuses to remove the same, the commissioner of streets shall cause the person or persons so offending to be prosecuted for such offence.

No excavation for coal holes, etc. allowed without permit. P. S. 50, § 21.

SECTION 14. No person shall make any permanent excavation under the surface of any street or sidewalk in the city, for the purpose of constructing a coal hole, or for light and air, or for an entrance, or for any other purpose, without permission of the

board of aldermen; and no person shall leave such coal hole or other aperture open or unfastened between sunset and sunrise in any case, nor in the day-time, unless actually in use and guarded by one or more persons.

No grating to be placed without permit.

SECTION 15. No person shall place or maintain a grating in any street, without permission of the board of aldermen; and the spaces between the bars of every grating so placed shall not be more than one inch and a quarter in width; and no grating shall project more than two feet into the street.

No person to water street with watering cart unless licensed.

SECTION 16. No person shall water any street with a watering-cart, unless licensed therefor by the board of aldermen.

Blasting forbidden without permit.

SECTION 17. No person shall blast any rock or other substance with gunpowder or other explosive material, in any street or within fifty rods thereof, without a permit in writing from the commissioner of streets, and under such terms and conditions as he may prescribe:—*provided, however*, that the remedy of any person injured by the blasting of rocks shall not be affected by this section.

Proviso.

Ice and snow thrown into street to be

SECTION 18. No person shall throw any ice or snow into or place the same in any street outside of

spread evenly on surface.

the sidewalk, unless the same is spread evenly on the surface of such street at the time it is so thrown or placed.

Street venders.

SECTION 19. No person shall place or keep any table, stall, booth or erection of any kind, in or upon any street, public place or sidewalk, for the sale or display of fruit, or any goods or articles whatever, without permission in writing from the board of aldermen, which may be revoked by said board at any time, nor without paying therefor such compensation as said board may determine.

Wood, coal, etc. not to be placed in street so as to obstruct same.

SECTION 20. No person shall permit any wood, coal or bark, to be placed in any street so as to unnecessarily obstruct the same, nor to remain unnecessarily in any street over night, but in case it must of necessity so remain, the owner thereof shall place and keep a lighted lamp or lantern over or near the same, from sunset to sunrise.

No person to saw firewood in any street, or place it upon sidewalk.

SECTION 21. No person shall saw or cut any firewood in any street, or place the same upon any sidewalk.

Notices etc., not to be posted on buildings, fences, etc.,

SECTION 22. No person shall post up or affix in any manner, paint, print, or write, or cause to be painted, printed, or written, a notice, advertisement

or bill, upon a post, pole, fence, wall or building in the city, unless he has previously obtained the consent of the person or persons having possession of such post, pole, fence, wall or building. Without consent.

SECTION 23. No person shall, without the consent of the board of aldermen, post up, or affix in any manner, or paint, print, or write, or cause to be painted, printed, or written, a notice, advertisement or bill, upon a curbstone, sidewalk, tree, telegraph pole, electric light pole, telephone pole, or lamp-post, in any street, or upon a wall, fence or building belonging to the city. Notices, etc., not to be painted, etc., on sidewalks, poles, etc., nor on city property, without consent.

SECTION 24. No person shall shoot with or use a bow and arrow, sling or air-gun, play at ball, or fly any kite or balloon, or throw a stone, snowball or other missile in any street, nor shall any person distribute generally in any street or from any building or vehicle to persons on the street, handbills, cards, circulars, or papers of any kind except newspapers. Playing ball, throwing stones, snow balls, etc. Distribution of handbills.

SECTION 25. No person shall swim or bathe in any of the waters within or surrounding the city unless properly clothed. Bathing.

SECTION 26. No person shall behave himself in a rude, indecent or disorderly manner, or use any Disorderly behavior and indecent language.

indecent, profane or insulting language in any street, to the annoyance or disturbance of any person.

Unlawful games forbidden.

SECTION 27. No person shall expose in any street, or other public place, any table, or device by or upon which any unlawful game of chance or hazard is played, nor shall any person play any unlawful game in any street or public place.

No awning, shade, etc., to be placed without permit. P. S. 28, § 24.

SECTION 28. No person shall place or maintain any awning, canopy, shade, or frame for the same, in any street, without written permission from the board of aldermen, which may be revoked at any time, nor unless the same shall be safely and securely fastened, and so located and constructed as not to interfere with passengers, and so that the lowest part thereof shall in no case be less than eight feet above the sidewalk, nor extend beyond the line of the sidewalk; and the person so placing or maintaining the same shall conform to any direction relative to the materials, construction and maintainance thereof which shall be given by said board. Said board may order the immediate removal of any awning, canopy, shade or frame which now is or hereafter may be, placed or maintained over any street, and if the owner or any person having the care thereof shall neglect or refuse to comply with the order aforesaid the commissioner of streets shall cause the same to

Removal of same.

be removed at the expense of such owner or person.

No post to be placed in street without permit.

SECTION 29. No person shall place or maintain any post in any street except by permission of the board of aldermen which permit may be revoked at any time unless otherwise provided by ordinance or statute.

Signs, etc., not to project into street without permit. P. S. 28, § 24.

SECTION 30. No person shall insert a sign in any sidewalk, nor place or maintain a sign, sign-board, show bill, lantern, show-board, goods, wares or other articles so as to project into or overhang any sidewalk or street, except in accordance with a written permit from the board of aldermen, which may be revoked at any time. Said board may at any time order the immediate removal of any sign, sign-board, show-bill, lantern, show-board, goods, wares or other articles, which project into or overhang any sidewalk or street, and if the owner or any person having the care thereof shall neglect or refuse to comply with the order aforesaid, the commissioner of streets shall cause the same to be removed at the expense of such owner or person.

Removal of same.

Ringing of bells.

SECTION 31. No person, except as a warning of danger, shall ring, or cause to be rung, any bell in any street.

No person to place dirt, etc., in any drinking fountain.

SECTION 32. No person hall place in any drinking fountain, trough or basin of water set up or established in any street or public place for the use of man or beast, any dirt, stone, ashes, rubbish, filth, or other foreign matter.

Show-boards, placards, etc., not to be placed or carried in street or on sidewalk.

SECTION 33. No person, unless authorized by the board of aldermen, shall place or carry, or cause to be placed or carried, in or upon any street or sidewalk, any show-board, placard or sign, for the purpose of there displaying or attracting attention to the same.

Lumber, boxes, etc., not to be placed on sidewalk.

SECTION 34. No person shall place, or cause to be placed, upon any sidewalk, any lumber, iron, coal, trunk, bale, box, crate, cask, package, article or thing whatsoever, whether of the same description or not, so as to obstruct a free passage for travellers for more than fifteen minutes.

Contents of ash barrels, etc., not to be spilled on sidewalk.

SECTION 35. No person shall wilfully and maliciously tip over and spill out the contents of any box, barrel or vessel containing ashes or rubbish set upon the sidewalk. No person shall throw or place upon any sidewalk or street-crossing any banana skin, orange peel or other slippery substance.

Banana skins, etc., not to be thrown on sidewalk.

Carpets and

SECTION 36. No person shall shake or otherwise

clean a carpet or rug on any common or other public grounds, nor commit a nuisance thereon. rugs not to be cleaned on common, etc.

SECTION 37. No person shall run a snow-plough or remove snow from the tracks of a street railway in the streets of the city, unless he removes from such streets, outside of the tracks and between the rails and the sidewalk, an amount of snow sufficient to make such streets safe and convenient for public travel; and all removal of snow from the streets by a street railway corporation shall be done under the direction and to the satisfaction of the commissioner of streets. Removal of snow from tracks of street railway.

SECTION 38. No person shall, for the purpose of melting snow on the tracks or rails of a street railway in any street, sprinkle any salt thereon, or cause or allow such sprinkling to be done; nor shall any person for such purpose wash any such tracks or rails, or cause them to be washed, with brine or pickle, except by the written permission of the commissioner of streets. Sprinkling of salt on street railway tracks, etc.

SECTION 39. Whoever violates any provision of this ordinance, shall, unless a different penalty is herein otherwise specially provided, be punished by a fine not exceeding twenty dollars for each offence. Penalty.

No prosecution to be made unless complaint is made within six months.

SECTION 40. No person shall be prosecuted or tried for any breach of any of the provisions of this ordinance, unless complaint for the same shall be instituted and commenced within six months from the time of committing such breach.

CHAPTER XLV.

AN ORDINANCE RELATING TO SWINE AND DOGS.

SECTION.
1. No person to keep swine without license.
2. Board of health may license persons to keep swine, and revoke same.
3. Penalty.
4. Proceedings in case any dog disturbs the quiet of any person.

No person to keep swine without license.

SECTION 1. No person shall keep any swine within the limits of the city, without a written license from the board of health.

Board of health may license persons to keep swine, and revoke same.

SECTION 2. The board of health may license any person or persons to keep swine in the city, at such place or places and upon such terms, as they may designate in said license, whenever in their opinion the keeping of the same, will not endanger the public health or produce any public inconvenience; and all licenses so granted may be revoked at any time by said board, but, if not revoked, shall expire on the first day of April annually.

SECTION 3. Any person who shall violate any of the provisions of this ordinance, or any of the regulations which may be established by the board of health in conformity thereto, shall be liable to a penalty of not less than five dollars nor more than twenty dollars.

Penalty. P. S 27, § 15.

SECTION 4. Whenever complaint is made to the city marshal, that any dog owned or kept in the city disturbs the quiet of any person, by barking, biting, howling, or in any other manner, the city marshal shall (if he is satisfied that good cause exists therefor) issue notice thereof to the person owning, keeping or permitting such dog to be kept; and in case the person so notified shall neglect to cause such dog to be removed within twenty four hours after such notice, and kept beyond the limits of said city, or destroyed, he shall forfeit and pay a sum not exceeding ten dollars, provided it shall be proved to the satisfaction of the court before which the complaint is heard and tried, that such dog had, in manner aforesaid, disturbed the quiet of any person in the city.

Proceedings in case any dog disturbs the quiet of any person. P. S. 102, §§ 109, 110.

CHAPTER XLVI.

AN ORDINANCE IN RELATION TO SHADE TREES.

SECTION.
1. Board of aldermen may plant shade trees upon streets, etc., and expend sum appropriated therefor.
2. Board may authorize planting of trees in streets, but such trees, may be removed upon complaint.
3. No tree to be removed without permit.
4. No permit for removal of tree to be given without agreement to replace it by another tree.
5. Committee may remove dead trees without permit.
6. No person to fasten any animal to a tree. Penalty.
7. Penalty for wantonly injuring trees, etc.
8. Penalty for affixing play bills, etc., to a tree without permit.

Board of aldermen may plant shade trees upon streets, etc., and expend sum appropriated therefor.
P. S. 27, § 12.
P. S. 52, § 10.
1885, c. 123.

SECTION 1. The board of aldermen may plant shade trees upon the public squares and streets of the city of Salem, and for that purpose may expend such sum, as may annually be appropriated therefor by the city council, not exceeding fifty cents for each of the ratable polls in the preceding year.

Board may authorize planting of trees in streets, but such trees may be removed upon complaint.
P. S. 54, §§ 6-11.
1890, c. 196.
1891, c. 49.
1892, c. 147.
1893, c. 403.

SECTION 2. The board of aldermen may authorize the planting of shade trees in any street or way, wherever it will not interfere with the public travel or with private rights; and shade trees standing, and trees planted, pursuant to such license, shall be deemed and taken to be the private property of the person so planting them, or upon whose premises they stand or are planted, and shall not be deemed a nuisance; but upon complaint made to the board of aldermen, they may cause such trees to be removed

at the expense of the owner thereof, if the public necessity seems to them so to require.

No tree to be removed without permit.

SECTION 3. No shade tree shall be removed from any street or way of this city without a permit from the board of aldermen, except as provided in section five. No such permit shall be granted until the committee on shade trees shall report to said board the condition of such tree and that such removal will be for the public convenience and safety and for the improvement of such street or way, nor until after public notice and hearing before said board. If such removal is petitioned for by any citizen, the petition shall specify the reasons why such removal is desired, but no such permit shall be granted upon any such petition unless the petitioner or his representative appears at the hearing and satisfies said board of the necessity for such removal. If the petitioner desires such removal for the improvement of his property or for the construction of a building, the expense of such removal shall be paid by the petitioner if the permit therefor is granted.

No permit for removal of tree to be given without agreement to replace it by another tree.

SECTION 4. No person shall be given permission to remove a shade tree for the reason that it is in a dying or unsafe condition, unless he agrees to replace it by another which shall be acceptable to the committee on shade trees, if such replacement is desired by said committee.

Committee may remove dead trees without permit.

SECTION 5. The committee on shade trees shall have full power to remove any dead shade tree without asking permission of the board of aldermen.

No person to fasten any animal to a tree. Penalty.

SECTION 6. No person shall in any way fasten any horse or other animal to any shade tree, nor allow any animal owned by him or under his control, to stand near to any such tree so that it may be gnawed or injured by such horse or animal under a penalty of not less than five dollars nor more than twenty dollars for each offence.

Penalty for wantonly injuring trees, etc.
P. S. 54, § 7.

SECTION 7. Whoever wantonly injures, defaces, tears or destroys an ornamental or shade tree, shrub, or other plant or fixture of ornament or utility in a street, road, square, court, park, public garden or other enclosure, shall forfeit not less than five nor more than one hundred dollars, as provided by statute.

Penalty for affixing play-bills, etc., to a tree without permit.
1898, c. 403.

SECTION 8. Whoever affixes to any tree in a highway, public way or square, a play bill, poster, notice, advertisement or printed paper of any description, or cuts, paints, or marks on such tree, except for the purpose of protecting such tree, without first obtaining a written permit from the officer having charge of such tree, shall be punished by fine not exceeding fifty dollars and not less than five dollars, for each offence, as provided by statute.

CHAPTER XLVII.

AN ORDINANCE CONCERNING TRUANT AND NEGLECTED CHILDREN.

SECTION.
1. Place provided for confinement of truants, etc.
2. Places provided to which orphan and neglected children may be sent.

Place provided for confinement of truants, etc. 1894, c. 498, §§ 19 and 21.

SECTION 1. The Plummer Farm School of Reform for Boys, is hereby assigned and provided, as a suitable place for the confinement, discipline and instruction of habitual truants, and children between seven and fifteen years of age who may be found wandering about in the streets or public places of this city, having no lawful occupation or business, not attending school and growing up in ignorance, and such children as persistently violate the reasonable rules and regulations of the public schools. Any minor convicted under the provisions of this section, shall be committed to said school of reform for a term not exceeding two years, as the justice or court having jurisdiction of the case may determine.

Places provided to which orphan and neglected children may be sent. 1894, c. 498, §§ 26-29.

SECTION 2. The Plummer Farm School of Reform for Boys, the Home of the Seaman's Orphan and Children's Friend Society, and the Salem City Orphan Asylum, are hereby assigned and provided as suitable places to which children under sixteen years of age, living in Salem, who by reason of

orphanage or of the neglect, crime, drunkenness or other vice of parents, are growing up without salutary parental control and education, or in circumstances exposing them to lead idle and dissolute lives, may be ordered sent by any judge of the Superior Court, or of the First District Court of Essex, to be there kept, educated and cared for, for a term not extending beyond the age of twenty-one years for boys, or eighteen years for girls. Complaints for violations of the provisions of this section may be made by the officer appointed for that purpose by the mayor and aldermen, or by any officer authorized by statute to make such complaint.

CHAPTER XLVIII.

AN ORDINANCE CONCERNING TRUST FUNDS.

SECTION.
1. Trust fund notes or bonds to be held by city treasurer, and income expended by board of aldermen or committee.
2. Treasurer to keep separate accounts and pay-roll.
3. Income of Peele fund, how expended.

Trust fund notes or bonds to be held by city treasurer, and income expended by

SECTION 1. All notes or bonds, heretofore or hereafter issued by the city treasurer, in behalf of the trust funds of the city of Salem, shall be held by said treasurer under direction of the board of aldermen,

and the income thereof shall be expended or disbursed by said board or the committee on trust funds in conformity to the terms of each trust, except as provided in section three of this ordinance. board of aldermen or committee.

SECTION 2. It shall be the duty of the city treasurer, to keep a separate account of said funds, and the income thereof, and to prepare a pay-roll, separate from the other pay-rolls of the city, for such accounts or claims as may be approved by the board of aldermen, or by any committee authorized to disburse the income of said funds. Treasurer to keep separate accounts and pay-roll.

SECTION 3. The income of the Peele fund shall be expended under direction of the joint standing committee on public property for the purposes and in the manner specified in the bequest for said fund. Income of Peele fund, how expended.

CHAPTER XLIX.

AN ORDINANCE DEFINING WARD BOUNDARIES.

SECTION.

1. Division of city into six wards.
Ward one, how bounded.
Ward two, how bounded.
Ward three, how bounded.
Ward four, how bounded.
Ward five, how bounded.
Ward six, how bounded.

SECTION 1. The division of the city of Salem into Division of

city into six wards.

six wards shall remain as heretofore established until otherwise provided, and the several wards shall be known, bounded and described, as follows:—

Ward one, how bounded.

Ward One. All that part of the city enclosed by a line commencing at the eastern end of Essex street at Collins' cove and running southwesterly and westerly across the tracks of the Boston and Maine Railroad and through the middle of Essex street to the center of Town House square, so called, thence turning and running southerly by the middle of the location of the Boston and Maine Railroad to and through the passenger station of said railroad to a point where the middle of New Derby street if extended, would cross said location, thence turning and running easterly by said extension of the middle line of New Derby street across Washington street, then through the middle of said New Derby street to the channel of the South river and thence by said channel to Salem harbor and by Salem harbor around Winter island and Salem neck and through Collins cove to the point begun at, together with all the islands in the harbor, shall constitute a separate ward, and be denominated Ward One.

Ward two, how bounded.

Ward Two. All that part of the city enclosed by a line commencing at the eastern end of Essex street at Collins cove, and running southwesterly and

westerly across the tracks of the Boston and Maine Railroad and through the middle of Essex street to the centre of Town House square, so called, thence turning and running northerly through the middle of Washington street and continuing in a straight line to the channel of the North river, thence turning and running northerly and easterly by the channel of said river to the Beverly boundary line on Essex bridge and thence by Beverly harbor and Collins cove to the point begun at, shall constitute a separate ward, and be denominated Ward Two.

Ward three, how bounded.

Ward Three. All that part of the city enclosed by a line commencing at the centre of Town House square, so called, and running westerly and southwesterly through the middle of Essex Street and Highland avenue to the boundary line between Lynn and Salem, thence turning and running easterly by the Lynn and Swampscott bounds to the middle of the location of the main line of the Boston and Maine Railroad, thence turning and running northeasterly and then northerly by the middle of said location to the centre of Town House square and the point begun at, shall constitute a separate ward, and be denominated Ward Three.

Ward four, how bounded.

Ward Four. All that part of the city enclosed by a line commencing at the centre of Town House

square, so called, and running westerly and southwesterly through the middle of Essex street and Highland avenue to the boundary line between Lynn and Salem, thence turning and running westerly by the Lynn bounds to the Lynn, Peabody and Salem bound stone at Spring pond, so called, thence turning and running northeasterly, northerly, easterly and again northerly by the Peabody bounds to the bound stone at North river canal, so called, thence turning and running southeasterly and northeasterly by said canal, and the channel of North river to the angle formed by the boundary lines of ward two in said channel, thence turning and running southerly by the boundary line of ward two to the centre of Town House square, and point begun at, shall constitute a separate ward, and be denominated Ward Four.

Ward five, how bounded.

Ward Five. All that part of the city enclosed by a line commencing at the eastern end of New Derby street at its junction with Lafayette street, thence running westerly through the middle of New Derby street and across Washington street to the middle of the location of the Boston and Maine Railroad within the passenger station of said railroad, thence turning and running southerly and southwesterly by the middle of said location of the main line of said railroad to the boundary line between Swampscott and Salem, thence turning and running easterly,

northeasterly and northerly by the Swampscott and Marblehead bounds to Salem harbor, thence by said harbor to the channel of the South river, thence by said channel to Lafayette street and across said Lafayette street to New Derby street, and the point begun at, shall constitute a separate ward, and be denominated Ward Five.

Ward six, how bounded

Ward Six. All that part of the city lying northerly and westerly of the channel of the North river, and northerly and easterly of the North river canal, so called, shall constitute a separate ward, and be denominated Ward Six.

CHAPTER L.

AN ORDINANCE CONCERNING WARRANTS AND NOTICES FOR MEETINGS OF QUALIFIED VOTERS.

SECTION.
1. Meetings for election of state and city officers, how called. Notices of meetings.
2. General meetings of citizens. Form of warrant. Warrants issued by board of aldermen to be signed by president.
3. Warrants for general meetings, how issued, served and returned. City clerk to give further notice.
4. City clerk to attend general meetings. Duties.

Meetings for election of state and city

SECTION 1. Meetings of the qualified voters for the election of state and city officers, shall be called

officers, how called. 1836, c. 42, §§ 4, 15. 1855, c. 289, § 5. 1868, c. 417, §§ 147, 148. Notices of meetings.

by order of the board of aldermen; and the city clerk, shall, under the direction of said board, cause notice of every such meeting to be printed in one or more newspapers published in this city, and also to be conspicuously posted in his office. Notices of meetings given as aforesaid, shall be in lieu of warrants heretofore required. All notices for the election of state and city officers, shall specify what officers are to be elected or voted for at such meetings, and whenever a proposed amendment to the constitution or other question is to be submitted to the people, shall contain a full copy thereof, and shall also specify when the polls will be opened and closed.

General meetings of citizens. 1836, c. 42, §§ 4 and 17.

SECTION 2. General meetings of the citizens qualified to vote, and held under the provisions of the city charter, shall be warned by the mayor and aldermen, and the form of warrant, shall be as follows, viz:—

Form of warrant.

CITY OF SALEM.

To the Constables of the City of Salem. GREETING.

In the name of the Commonwealth of Massachusetts, you are hereby required, forthwith, to warn the inhabitants of the city of Salem, qualified to vote as the law directs, to assemble at on the day of at o'clock then and there to

Hereof fail not; and have you there then this warrant with your doings thereon.

Witness our hands and the seal of the City of Salem the day of in the year of our Lord one thousand eight hundred and

[L. S.]

_____
_____
_____
_____
_____
_____
_____
_____

} Mayor and aldermen of Salem.

But in case of a vacancy in the office of mayor, or whenever it becomes necessary for the board of aldermen to issue such warrants, the same shall be signed by the president and a majority of the members of said board.

Warrants issued by board of aldermen to be signed by president.

SECTION 3. All warrants for general meetings of the citizens qualified to vote shall contain a statement of the object of the meetings, shall be issued ten days at least before the time for holding the meetings and shall be served by one of the constables of the

Warrants for general meetings, how issued, served and returned.

city, and returned to the city clerk on or before the meeting therein specified. Service of such warrants shall be made by posting up copies thereof, in one public place in each ward, seven days at least before the time of said meeting, and the city clerk shall give further notice thereof, by publishing a copy of the warrant three times at least in one or more newspapers of the city, between the time of issuing the warrant and the time appointed for the meeting.

City clerk to give further notice.

City clerk to attend general meetings. Duties. 1836, c. 42, §§ 4 and 17.

SECTION 4. The city clerk shall attend all general meetings of citizens, which may be held by virtue of warrants issued by the mayor and aldermen, or board of aldermen, and he shall open such meeting by reading the warrant therefor, and shall continue to preside thereat until a moderator is chosen. He shall keep a record of the proceedings of such meetings, and shall insert in the record, copies of all reports or other documents, upon which said proceedings may have been founded.

CHAPTER LI.

AN ORDINANCE CONCERNING THE SALEM WATER-WORKS, AND THE USE OF WENHAM LAKE WATER.

SECTION.
1. Election of water board and committee on water works.
2. Organization of water board. May make rules and regulations.
3. General powers. Appointment of subordinate officers.
4. To make annual report.
5. Election of superintendent and clerk. Compensation.
6. President of board to exercise general supervision.
7. Duties of superintendent. Annual report.
8. Clerk to inspect premises of water takers, etc. To make out water bills. Abatements. To make monthly report to auditor. Annual report. To attend meetings and keep records, etc.
9. Water board to make repairs, etc., and provide supply pipes. Board not to exceed appropriation.
10. Members of board, officers, etc., not to be interested in contracts, etc.
11. Water board may establish regulations for use of water. Regulations to be considered part of contract with water-takers, etc. Penalty. Applications for water, how made, etc. Applicants to be charged not less than three dollars annually. Water-takers to keep pipes, etc., in good repair. Waste of water to be prevented. No alterations, etc., to be made in pipes or fixtures, except, etc. Premises of water-takers may be entered. Thawing of frozen water in pipes. Plumbers, etc., not to alter pipes, without permit. Penalty. No person to let water into pipes without permit. Charges for water rates to be made to owners of property.
12. Pipes and fixtures to be kept in good repair, etc., by owner or occupant. Liability in case of waste of water.
13. Water board to decide as to waste or improper use of water. Penalty.
14. Regulations for construction of water-closets.
15. No person to injure pipes, fire-hydrants, etc. Nor turn on or off water or remove covers of hydrants. Penalty.
16. Water rates.
17. Service pipes at Salem Neck, how laid, etc.
18. No charge for insertion of water pipes for fire uses.
19. Water used by city to be furnished free.
20. Use of meters. Bills for metered water payable quarterly.
21. Water board may restrict use of hand hose. Penalty.
22. Water board to assess water rates according to tariff. To fix rates for purposes not specified.
23. Moneys paid to be credited to water department. Water rates payable annually.
24. Manner of enforcing payment of water rates. Proviso.
25. Abatements.
26. Police to report leaks, etc.

SECTION 1. The Salem water board shall consist Election of

water board and committee on water works.
1864, c. 268.
1868, c. 72, § 4.

of five persons, viz:— one member of the board of aldermen, one member of the common council, and three citizens of Salem who are not members of either branch of the city council, and said members shall be elected in the manner hereinafter provided. In the month of January annually a joint standing committee on water works consisting of two members of the board of aldermen and three members of the common council shall be elected as follows:— the two members from the board of aldermen shall be elected by said board of aldermen, and the three members of the common council shall be elected by said common council; such election shall be by ballot and immediately thereafter said aldermen and council shall designate by ballot which one of their members so elected shall serve and act as chairman of said committee on the part of that branch of the city council from which he is elected. The two members thus elected and designated as chairmen shall be members of the Salem water board for the remainder of the municipal year in which they are elected, and the chairman on the part of the board of aldermen shall also be chairman of said joint committee. The three members of the Salem water board now holding office and who are not members of either branch of the city council shall continue in office until the expiration of the terms for which they were respectively elected, and until their successors are chosen unless

sooner removed, and in the month of January annually, there shall be elected by ballot and by concurrent vote of both branches of the city council, one member of said Salem water board who shall not be a member of either branch of the city council, and who shall hold office for three years from the first day of February in the year of his election and until his successor is elected or until he is removed. Any member of said water board or committee may be removed by concurrent vote of the city council at the pleasure of said council, and vacancies in said board or committee may be filled in the manner above provided for their election. Resignations of members of said board shall be made to the city council, and of members of said committee to that branch of the city council by whom they were elected, and shall take effect when accepted by said council or branch as the case may be.

Organization of water board.

SECTION 2. The Salem water board shall annually on the first day of February or as soon thereafter as possible, meet and organize by the election of a member thereof as president.

May make rules and regulations.

Said board may make such rules and regulations for their own government, and for the government of all officers and employees in the water department, as they may deem expedient, provided the same do not conflict with any statute of the commonwealth or ordinance of the city.

General powers. 1868, c. 72, § 4.

SECTION 3. The Salem water board shall have and exercise all the rights, powers and authority given to the city under chapter two hundred and sixty eight of the acts of the legislature for the year one thousand eight hundred and sixty-four, and all other acts of the legislature relating to the water supply, so far as the same can be legally delegated, subject to all duties, liabilities and restrictions therein contained and to such other provisions as the city council shall order and direct. Said board may except as herein otherwise provided appoint all subordinate officers, agents and assistants, remove the same at pleasure, and fix their compensation; such compensation to be subject to the approval of the committee on finance and appropriations.

Appointment of subordinate officers.

To make annual report.

SECTION 4. The Salem water board shall, annually, on the fourth Monday in December, present to the city council, a report containing a statement of the condition of the water-works, and of the land and other property connected therewith, with an account of all receipts and expenditures during the preceding financial year, and a schedule of property on hand, together with any information or suggestion which it may deem important; and shall also at the same time transmit to the city council the report of the superintendent and clerk.

Election of

SECTION 5. The city council shall annually in the

month of January elect by ballot in concurrence, two suitable persons to serve as superintendent of the water works and as clerk of the water board respectively. They shall each hold office for one year from the first day of February in the year of their election, and until their successors are elected or until they are removed, and they may be removed by concurrent vote of the city council and at the pleasure of said council. Vacancies may be filled for the remainder of the term in the manner herein provided for their election. They shall receive such compensation as the city council may determine, and shall be residents of the city of Salem.

superintendent and clerk.

Compensation.

SECTION 6. The president of the water board shall exercise a general supervision over all the water-works, and the materials and property connected therewith, and over all subordinate officers and agents. In case of his absence or disability, his duties may be performed by a president, *pro tempore*, to be chosen by the board.

President of board to exercise general supervision.

SECTION 7. The superintendent shall take such charge of Wenham Lake, the aqueducts, lands, reservoirs, and other works, material and property connected with the water-works, as the water board may from time to time direct, and he shall perform all such services in relation thereto as may be required

Duties of superintendent.

of him by said board or the city council. He shall annually on or before the third Monday of December, present to the water board a report of the general condition of the water-works, and such other matter as he or said board may deem expedient.

Annual report.

Clerk to inspect premises of water takers, etc.

SECTION 8. The clerk of the water board, under direction of said board, shall visit and inspect or cause to be visited and inspected, once in each year, and whenever necessary, the premises of every person taking the water, and he shall exercise a constant supervision over the use of the water, and attend to the enforcement of all regulations relating thereto.

To make out water bills.

He shall under direction of said board make out the annual bills for water rates, and deliver the same to the city collector on or before the tenth day of June in each year, and shall make out bills for all other amounts payable to the city on account of the water-works, and deliver the same to the city collector, from time to time, as they become due. All the bills so delivered shall be numbered to correspond with the number of the charge on his books. A certificate of

Abatements.

every abatement and refund shall be furnished by the clerk to the city collector, which certificate shall state the account on which it is allowed, and the number

To make monthly report to auditor.

of the bill. The clerk shall, on the first day of every month, report in writing to the city auditor the amount of the bills of each class placed in the hands

of the city collector for collection, and also the amount abated, or ordered to be refunded during the preceding month. He shall annually on the third Monday of December, present to the water board a report, containing a statement of the number of water-takers, the number of cases where the water has been cut off, the number and amount of abatements, the amount of the bills sent to the city collector, the amount of the uncollected bills, and the receipts and expenditures in the water department, during the preceding financial year; and also such other matters as he or said board may deem expedient. He shall attend all meetings of the water board and keep a record thereof, and shall keep such books of accounts as the committee on accounts shall order and direct. He shall enter therein the names and number of all water takers, the kind of building, the street name and number, the nature of the use, the number of taps, and the amounts charged and abated, and said books shall always be open to the inspection of the mayor, the water board and any committee of the city council. He shall perform such other services as may be required of him by the city council or the water board.

Annual report.

To attend meetings and keep records, etc.

SECTION 9. The water board shall have full power to make all necessary repairs, extensions or improvements on said works, and to provide new supply-pipes; *provided, however*, that no such supply-pipe

Water board to make repairs, etc., and provide supply pipes.

shall be laid or placed on private premises at the expense of the city. All hydrants, stand-pipes and drinking fountains, established by the city, shall be constructed, and all repairs upon such hydrants, stand-pipes and drinking fountains made, and the streets when broken up again put in good order to the satisfaction of the commissioner of streets, by and under the direction of the water-board. Said board however shall have no power to expend any money, or incur any debt, in excess of the appropriations made for their department by the city council.

Board not to exceed appropriation.

Members of board, officers, etc., not to be interested in contracts, etc.

SECTION 10. No member of the water board, and no person appointed to any office, or employed, by virtue of this ordinance, or of the acts of the legislature mentioned in the third section thereof, shall be interested directly or indirectly in any contract, bargain, purchase, sale or agreement, in relation to the water-works, or any matter or thing connected therewith wherein the city is interested; and any and all contracts, bargains, purchases, sales or agreements, made in violation of this section, shall be utterly void as to the city.

Water board may establish regulations for use of water.

SECTION 11. The water board may establish, in addition to the regulations herein established, such regulations as it may deem expedient for the introduction and use of water; and the water shall not be

supplied to any building or premises, unless the pipes and fixtures are made conformable to such regulations. The following regulations, and such regulations as may be established by the water board, shall be considered a part of the contract with every person who takes the water; and every such person by taking the water, shall be considered to express his assent to be bound thereby. Said regulations shall be printed upon every bill for water-rent, and whenever any one of them is violated, the clerk of the water board shall cause the water to be cut off from the premises (notwithstanding two or more parties may receive the water through the same pipe) and it shall not be let on again except on payment of two dollars and all chargeable rates; and further that in case of any such violation, the water board may declare forfeited any payment made for the water by the person committing such violation, and the same shall thereupon be forfeited. And in case of a subsequent offence, the water shall be cut off, and shall not be let on again, except by a vote of the water board, and the payment of such fine, not exceeding ten dollars, as said board may impose. Said regulations are as follows:—

Regulations to be considered part of contract with water-takers, etc.

Penalty.

REGULATIONS.

First. All applications for the use of water must

Applications

for water, how made, etc.

be made at the office of the water board, and the various uses to which the water is to be applied must be stated fully and correctly. If water is required for any other purpose, notice must be given to said board before use of the same will be allowed. All applicants for whom a service pipe is laid shall be charged not less than three dollars annually, whether the water is used or not, until such time as the city shall be re-imbursed in full for the expense of laying such pipe.

Applicants to be charged not less than three dollars annually.

Water-takers to keep pipes, etc., in good repair.

Second. All persons taking the water shall, at their own expense, keep the service pipes and fixtures within their premises, in good repair and protected from frost, and they will be held liable for all damage which may result from their failure to do so.

Waste of water to be prevented.

Third. Such persons shall prevent all unnecessary waste of water, and there shall be no concealment of the purposes for which it is used.

No alterations, etc., to be made in pipes or fixtures, except etc. Premises of water-taker may be entered.

Fourth. No alteration or extension shall be made in any of the pipes or fixtures inserted by the city, except by its agents; and any member of the water board, the clerk, superintendent or any agent thereof, shall be allowed to enter the premises of any water taker, to examine the apparatus, to ascertain the quantity of water used, the manner of its use, and

whether there is any unnecessary waste; and to cut off the water for non-payment of rates or fines, or for any violation of these regulations.

Thawing of frozen water in pipes.

Fifth. If the water in any pipe shall become frozen, the person requesting that the same be thawed, shall deposit with the clerk of the water board the sum of two dollars, and if the freezing was caused by neglect or fault of the city, said sum shall be refunded.

Plumbers, etc., not to alter pipes, without permit.

Sixth. No plumber or other person shall make any alteration or extension of any water-pipe in any house or on any premises, without first giving notice to the clerk of the water board and procuring a written permit from him, which permit shall be returned to said clerk within ten days after the completion of the work, endorsed with a statement of all pipe and fixtures altered, extended or removed. Any person violating this regulation shall be liable to a penalty of twenty dollars for each offence.

Penalty.

No person to let water into pipes without permit. Penalty.

Seventh. No person shall let the water into any pipe, except by written permission of the water board, and any person violating this regulation shall be liable to a penalty of ten dollars.

Charges for

Eighth. The clerk of the water board shall make

water rates to be made to owners of property. 1864, c. 268, § 14.

all charges for water-rates, excepting charges for metered water, to the owner of the property, and in every case the owner shall be liable for the water-rates, except where the ownership is changed after water is shut off for non-payment, in which case the new owner shall be liable for the water rates from the time when the water is again let on.

Pipes and fixtures to be kept in good repair, etc., by owner or occupant.

SECTION 12. Any owner or occupant of premises in which water furnished by the city is used, who fails to keep his service-pipes and fixtures in good order, and neglects to repair the same within three days after they have, from any cause, become defective, or who neglects to shut off the water after using it, so that it runs to waste, or who permits any unnecessary waste of water, shall be liable to a fine of two dollars, and if such fine is not paid within two days from the time when the person incurring it receives notice that he is liable thereto the water shall be cut off from his premises, and shall not be let on again until the waste is stopped and the fine is paid, together with an additional sum of two dollars for cutting off and letting on the water; and in case of a second offence during the same year, a fine of four dollars shall be imposed, and if it is not paid within two days, as aforesaid, the water shall be cut off, and shall not be let on again until the waste is stopped and the fine is paid, together with two dollars additional

Liability in case of waste of water.

for cutting off and letting on the water; and in case of a third offence, the water shall be cut off, and shall not be let on again except by a vote of the water board, and the payment of such fine, not exceeding ten dollars, as said board may impose.

Water board to decide as to waste or improper use of water.

SECTION 13. The water board shall have the power to decide what shall be considered a waste or improper use of water, and to restrict the use thereof when it may deem it necessary; and if the water-taker refuses or neglects to comply with any order of said board, after notice given to him, the water may be cut off, and shall not be let on again, except by a vote of said board, and the payment of such fine, not exceeding ten dollars, as said board may impose.

Penalty.

Regulations for construction of water-closets.

SECTION 14. The water board may establish such regulations as it may deem expedient for the construction of water-closets, and water shall not be supplied to any building unless such closets be made conformable to said regulations.

No person to injure pipes, fire-hydrants, etc.

SECTION 15. No person shall injure any public pipe, reservoir or fire hydrant connected with the Salem water-works, or shall break and enter the same, or draw off, or cause to be removed, any of the water therefrom. No person shall turn on or off the water in any such water-pipe, reservoir or fire hydrant, or

Nor turn on or off water or remove

covers of hydrants.

shall make any opening or connection with such pipe, reservoir or fire-hydrant, or remove the cover of any hydrant, except in case of fire, without the license or permit of the water board, or by authority of the mayor, and then only under the direction of the superintendent of the water-works, who shall provide competent men to perform the same, and the expense thereof shall be charged to the person applying for such license or permit. Any person violating any provision of this section shall be liable to a penalty not exceeding twenty dollars for each offence.

Penalty.

Water rates. 1864, c. 268, §§ 13, 14, 16.

SECTION 16. The following rates shall be charged annually for the use of the water, namely:—

First.—For every dwelling-house, for each family of four persons, or less, three dollars; and for every additional person in the family, fifty cents. In addition to the foregoing, there shall be charged for each dwelling-house in which a pan or self-acting water-closet and bathing-tub are used, the sum of seven dollars for each family in such house having and using such a closet and tub separate from another family; and for each such family having and using such closet without such tub, or having and using such tub without such closet, the sum of five dollars; *provided, however*, that the sum of eight dollars shall be charged for each hopper water-closet.

Tenement houses, so-called, shall be charged, for each tenement having water-fixtures within the same, three dollars; and three dollars in addition for each pan or self-acting water-closet or bathing-tub used; and six dollars in addition for each hopper water-closet used; for each tenement not having water-fixtures within the same, but taking the water from fixtures used in common with other tenements, two dollars.

Second.—For each office having water-fixtures within the same, three dollars; and for each office taking water from fixtures used in common with other offices, two dollars. In addition to these rates, there shall be charged for each pan or self-acting water-closet, three dollars, and for each hopper water-closet, eight dollars.

Third.—For hotels, taverns and boarding-houses (said boarding-houses being valued in the assessment of taxes over eight thousand dollars), and not including water for baths or for uses without the house, three dollars, for each bed for boarders and lodgers: *provided*, that no hotel, tavern or boarding-house shall be charged less than a dwelling-house, containing the same number of persons and fixtures.

Fourth.—For each store, warehouse, shop, or for

purposes not included in any other classification, and not requiring more than an ordinary supply of water, three dollars to twenty-five dollars, at the discretion of the water board: *provided*, that if any such store, warehouse or shop shall have more than one water-closet, urinal, wash-hand basin or sink, there shall be charged for each additional water-closet, five dollars, and for each additional urinal, wash-hand basin or sink, two dollars and a half.

Fifth.—For private stables, six dollars; and for each additional horse over two, three dollars.

Livery and boarding stables, for each horse, three dollars.

Truck and cart stables, for each horse, one dollar and a quarter.

No stable shall be charged less than five dollars, and the rates stated herein shall include and cover water used for washing carriages, carts and wagons. Any person using the water for a stable shall be charged for such use, whether it is carried to the stable by hand or pipe.

Sixth.—For each head of neat cattle, one dollar.

Seventh.—For the use of hose, of not more than five-eighths of an inch orifice, for washing windows, sprinkling streets or gardens, no charge shall be made to any person paying for the use of the water

for other purposes in the same building to which such hose shall be attached, but to all other persons a charge of three dollars shall be made.

Eighth.—For confectioneries, restaurants, lunch rooms, market and fish stalls and provision shops, according to the quantity of water used, from eight dollars to fifty dollars, at the discretion of the water board.

Ninth.—For public baths, for each tub, five dollars.

Tenth.—For every printing office, according to the number of presses used, not including the supply for a steam engine, from six dollars to forty dollars, at the discretion of the water board.

Eleventh.—For stationary steam engines, working not over twelve hours a day, for each horse power used not exceeding ten, the sum of six dollars; for each horse power used exceeding ten, and not over fifteen, the sum of five dollars; for each horse power used over fifteen, the sum of four dollars.

Twelfth.—For every railroad corporation, for the supply of locomotive engines, and for passenger stations, according to the quantity used, as ascertained by meters or otherwise.

Thirteenth.—Steamboats shall be charged for the estimated quantity of water consumed, and at the same rate as charged for manufacturing purposes; *provided, however*, that no water shall be used for washing purposes, except by special permission from the water board.

Fourteenth.—For building purposes, for each cask of lime or cement, seven cents.

Fifteenth.—Except as herein provided, no connection of a fountain shall be made, directly or indirectly, with the city water-pipes. Persons desiring water for fountain purposes, shall make application in writing to the water board, stating the number and size of the jets to be used, and the hours of the day and the months during which it is proposed to use the same. Upon such application said board shall fix the rate to be charged to the applicant and the connection with the water-pipes, shall be made by and under the direction of the superintendent; it being understood that the water shall be used exclusively for fountain purposes, unless supplied through a meter.

Sixteenth.—Bakeries. For the average daily use of flour, for each barrel, the sum of three dollars per annum: *provided*, that no bakery shall be charged less than six dollars.

Seventeenth.—Manufacturing and any other business requiring a large supply of water, shall be charged therefor as follows:—

For any quantity up to five thousand gallons' daily use, at the rate of two cents per hundred gallons.

For the quantity in excess of five thousand gallons and up to twelve thousand gallons' daily use, at the rate of one and one-third cents per one hundred gallons.

When the daily quantity used exceeds twelve thousand gallons, the price of such excess shall be fixed by the water board.

Eighteenth.—The minimum rates for metered water for each quarter, shall be as follows:—

For ¾ inch meter (or less)	$3.00
For 1 inch meter	$3.50
For 1½ inch meter	$5.00
For 2 inch meter	$6.50
For 3 inch meter	$10.00
For 4 inch meter	$20.00
For 6 inch meter	$40.00

Service pipes at Salem Neck, how laid, etc.

SECTION 17. No service pipe shall be furnished or laid at the expense of the city, to connect with the distribution pipes at Juniper Point, so called, on Salem Neck, and every person supplied with water

from said distribution pipes, shall pay the established rates annually, without any deduction for not using the water during any portion of the year.

No charge for insertion of water-pipes for fire uses.

SECTION 18. No charge shall be made for the insertion of a water-pipe for use only in case of fire: *provided*, that such pipe is approved by the water board, and is inserted at the expense of the water taker.

Water used by city to be furnished free.

SECTION 19. All water required and used by the city in its various departments shall be furnished free of charge.

Use of meters.

SECTION 20. The water board shall have power to ascertain by meter the quantity of water used in any case, and a meter shall be applied whenever in the judgment of the board it is expedient, and any water taker may place within his premises, at his expense, a meter approved by said board, for the purpose of measuring the quantity of water used by him. The water board may establish a rate for metered water instead of the specific rates herein before established. All bills for water furnished through meters shall be payable quarterly at the office of the city collector; and if the same be not paid within twenty days after the end of the quarter, the clerk of the water board shall cause the supply

Bills for metered water payable quarterly.

to be cut off, after sending a special notice that the water will be cut off for non-payment.

Water board may restrict use of hand hose.

SECTION 21. The water board shall have the power to restrict the use of hand-hose to such hours of the day as it may deem necessary, whenever there is an excessive use of water or a severe drought, and whoever violates any such restriction shall be liable to a penalty of not less than five nor more than twenty dollars for each offence.

Penalty.

Water board to assess water-rates according to tariff.

SECTION 22. The water board shall determine and assess the water-rates according to the tariff of rates established by the city council, and whenever requested by the city council shall prepare and send to said council, a schedule of all such assessments. Whenever water is required for purposes which are not specified in this ordinance the rate shall be fixed by the water board.

To fix rates for purposes not specified.

Moneys paid to be credited to water department.

SECTION 23. All moneys paid into the treasury on account of the water-works shall be placed to the credit of the water-works department. The annual rates for the use of the water shall be payable on the first day of July in and for each calendar year. All charges for specific supplies, or for fractional parts of the year, shall be payable in advance, and before the water is let on or furnished.

Water-rates payable annually.

Manner of enforcing payment of water-rates. 1864, c. 268, § 14.

SECTION 24. In all cases of the non-payment of the annual water-rates for sixty days after the same are due, the clerk of the water board shall cause the supply to be cut off, and the water shall not be let on again except upon the payment of the sum of two dollars, and not for the same occupant or owner, except upon the payment also of the whole amount due; and every person whose water rate is unpaid on the first day of August, shall be liable to said penalty of two dollars, though the supply may not have been actually cut off; *provided*, that in case of specific supplies, or for fractional parts of the year, when the water has been let on, it may be cut off immediately after notice given to the occupant of the place that the rate is unpaid, and may be let on again upon the conditions before mentioned. Unless the water board shall otherwise direct, the foregoing provisions shall apply, when two or more persons take the water through the same service pipe, although one or more may have paid the proportion due from him or them.

Proviso.

Abatements.

SECTION 25. The clerk of the water board under direction of said board, may make abatements in the water-rates, in all proper cases.

Police to report leaks, etc.

SECTION 26. Police officers shall report to the clerk of the water board all cases of leakage, waste or excessive use of the water, and all violations of this ordinance that may be brought to their notice.

CHAPTER LII.

AN ORDINANCE CONCERNING THE SEALER OF WEIGHTS AND MEASURES.

SECTION.		SECTION.	
1.	Appointment and duties of sealer of weights and measures.	2.	To make annual report.
		3.	To receive fees for services.

SECTION 1. The mayor and aldermen shall annually in March or April, appoint a sealer of weights and measures, who shall serve for one year from the first day of May in the year in which he is appointed, and until another is appointed and qualified in his stead; and he shall have all the powers and perform all the duties prescribed by the laws of the commonwealth relative to the sealing of weights and measures. The mayor and aldermen may at any time remove such sealer, and appoint another in his place.

Appointment and duties of sealer of weights and measures. P. S. 65, § 8. 1882, c. 42. 1883, c. 225.

SECTION 2. The sealer of weights and measures shall annually on the fourth Monday of December, make a full report to the board of aldermen of his doings during the preceding year, stating the amount of fees received therefor, with an inventory of all the city or state property in his charge.

To make annual report.

SECTION 3. Said sealer of weights and measures shall receive in full for his services the fees allowed by statute.

To receive fees for services. P. S. 65, §§ 22, 23.

CHAPTER LIII.

AN ORDINANCE RELATING TO THE MEASUREMENT AND SALE OF WOOD AND BARK.*

SECTION.
1. Election of measurers.
2. Duties. Penalty for selling wood or bark not measured.
3. Place assigned where vehicles may stand for sale, etc., of wood and bark. Penalty for standing elsewhere.
4. Certificates of measurement to be delivered.
5. Fees.
6. Annual report.
7. Penalty for neglect or refusal of measurer to perform duties.

Election of measurers.
1816, c. 103.
1839, c. 46, § 4.
P. S. 60, §§ 72–78.
1891, c. 136.
1894, c. 88.

SECTION 1. The city council shall annually in the month of March, elect by concurrent vote one or more persons to be measurers of wood and bark, who shall hold office for one year from the first day of April in the year in which they are elected, and until others are elected and qualified in their stead, and who, before entering on the duties of their office, shall be sworn. Any person so elected may be removed, and vacancies may be filled, at any time by the city council.

Duties.
P. S. 60 §§ 76, 78.

SECTION 2. Said measurers shall inspect, survey and measure all wood and bark brought into the city for sale for fuel or manufacturing purposes, and no person shall sell, or offer for sale any wood or bark brought into the city as aforesaid, unless the same has been measured by a measurer appointed and

*Acts of 1854, chapter 361, an Act to regulate the measurement of bark, accepted by the city council May 8, 1854.

qualified as aforesaid, under the penalty of five dollars for each offence. Penalty for selling wood or bark not measured.

SECTION 3. That part of Bridge street between Howard and St. Peter streets, is hereby appointed and assigned as the only place in the city, where wagons, carts, sleds or other vehicles, containing wood or bark for sale, shall be allowed to stand for the sale or measurement thereof; and any owner or driver of any wagon, cart, sled or other vehicle, containing wood or bark for sale, who shall stand for the sale of such wood or bark in any other street, square or place, shall be liable to a penalty not exceeding five dollars for each offence. Place assigned where vehicles may stand for sale, etc., of wood and bark. 1816, c. 103, § 5. P. S. 60, § 75. Penalty for standing elsewhere.

SECTION 4. Every measurer of wood and bark shall deliver to the owner or driver of each load of wood or bark, and to the owner of each range or car of wood or bark, measured by him, a certificate signed by him specifying the quantity which each load, range or car contains; and when a load of wood or bark is measured said certificate shall also contain the name of the driver, and the place in which he resides. Certificates of measurement to be delivered.

SECTION 5. The fee for measuring each load of wood or bark, shall be five cents; and the same shall be paid to the measurer by the driver of such load at Fees.

the time of receiving the certificate, and repaid to him by the purchaser; and the fee for measuring wood or bark in ranges or on railroad cars, shall be five cents for each cord, the same to be paid by the purchaser. No greater fee shall be charged for the inspection of bark.

Annual report.

SECTION 6. Said measurers shall annually on the fourth Monday of December report to the city council the number of loads and the quantity of wood and bark they have measured during the preceding year, and the amount of fees received therefor.

Penalty for neglect or refusal of measurer to perform duties.

SECTION 7. If any measurer of wood and bark, shall, upon application, unreasonably neglect or refuse to perform the duties required by this ordinance, or shall be guilty of any fraud in the measurement of any wood or bark, he shall be liable to a penalty of five dollars for each offence, and may be removed from office, as provided in section one.

AN ORDINANCE

ESTABLISHING THE ORDINANCES OF THE CITY OF SALEM.

SECTION.
1. Adoption of revised ordinances,
2. Repeal of former ordinances.
3. Repeal not to affect rights accrued, etc. Former ordinances not to be revived by repeal.

SECTION 1. All the foregoing ordinances designated chapters I to LIII inclusive having been revised and compiled, under the direction and supervision of a joint special committee of the city council of the city of Salem, are hereby declared to be the ordinances of said city of Salem and shall have the force thereof, and shall take effect on the passage of this ordinance. Adoption of revised ordinances.

SECTION 2. All other ordinances and parts of ordinances heretofore passed by the city council of the said city are hereby repealed. Repeal of former ordinances.

SECTION 3. The repeal in the preceding section shall not affect any act done, or any right accruing or accrued, or established, or any suit or proceeding had or commenced in any civil case before the time when such repeal shall take effect, nor any offence committed, nor any penalty or forfeiture incurred, nor any suit or prosecution pending at the time of such repeal, for any offence committed, or for the recovery of any penalty or forfeiture incurred, under Repeal not to affect rights accrued, etc.

any of the provisions so repealed; and in all cases where any provisions of the preceding ordinances are made to go into operation at any time hereafter, the corresponding provisions, if any, of the said repealed ordinances shall continue in force until the said new provisions shall go into operation, subject, however, to any express regulations relating thereto, which may be contained in the preceding ordinances; and all persons holding any office under any of the ordinances so repealed, shall continue to hold the same according to the tenure thereof, except those offices which may have been abolished, and those as to which a different provision shall have been made by the preceding ordinances; and no ordinance or part of an ordinance, which has been heretofore repealed, shall be revived by the repeal in the preceding section, of any of the ordinances, or parts of ordinances, therein mentioned.

Former ordinances not to be revived by repeal.

IN BOARD OF ALDERMEN, March 19, 1895.

Passed to be ordained, and sent down for concurrence.

HENRY M. MEEK, *Clerk.*

IN COMMON COUNCIL, March 25, 1895.

Passed to be ordained in concurrence.

WILLIAM F. M. COLLINS, *Clerk.*

Approved, April 3, 1895.

JAMES H. TURNER, *Mayor.*

SPECIAL STATUTES

RELATING TO THE

CITY OF SALEM.

SPECIAL STATUTES.

AN ACT TO AUTHORIZE THE CITY OF SALEM TO ISSUE BONDS, NOTES OR SCRIP, FOR THE PURPOSE OF PAYING OR REFUNDING ITS INDEBTEDNESS.

[1892, Ch. 3.]

SECTION.
1. City of Salem may issue bonds.

City of Salem may issue bonds.

SECTION 1. The city of Salem, for the purpose of paying or refunding any indebtedness already incurred or authorized by said city, including any of its water debt or of its other debts now outstanding, and including also any notes of said city given by it to the commissioners or trustees of its sinking funds, may from time to time issue bonds, notes or scrip, to an amount not exceeding one hundred thousand dollars, payable in periods not exceeding thirty years from the date of issue, and bearing interest at rates not exceeding five per centum per annum; but the provisions of chapter twenty-nine of the public statutes, of chapter one hundred and twenty-nine of the acts of the year eighteen hundred and eighty-four, and of chapter three hundred and twelve of the acts of the year eighteen hundred and eighty-five, shall in all other respects apply to the issue of said bonds, notes or scrip, and to the establishment of a sinking fund or annual proportionate payments for the payment thereof at maturity.

SECTION 2. This act shall take effect upon its passage.

Approved February 9, 1892.

AN ACT IN RELATION TO THE FIRE DEPARTMENT OF THE CITY OF SALEM.

[1867, Ch. 323.]

SECTION.
1. City council may establish and prescribe appointment and tenure, duties and pay. May make regulations for government, and the management of fires.
SECTION.
Proviso.
2. Powers and duties of city council, how exercised.
3. Engineers and officers, authority defined.

SECTION 1. The city council of the city of Salem may establish a fire department for said city, to consist of so many engineers and other officers, and so many enginemen and other members, as the city council, by ordinance, shall, from time to time, prescribe; and said city council shall have authority to make such provisions in regard to the time and mode of appointment, and the occasion and mode of removal of either of such officers or members, to make such requisitions in respect to their qualifications and period of service, to define their office and duties, to fix and pay such compensation for their services, and, in general, to make such regulations in regard to their conduct and government and to the management and conduct of fires and persons attending at fires, subject to the penalties provided for the breach of the city by-laws, as they shall deem expedient: *provided*,

City council may establish and prescribe appointment and tenure, duties and pay. 1836, c. 42, § 8. G. S. c. 24.

1839, c. 46, § 3.

May make regulations for government, and the management of fires. Proviso.

that the appointment of enginemen, hosemen and hook and ladder men, shall be made by the mayor and aldermen exclusively.

Powers and duties of city council, how exercised.

SECTION 2. The powers and duties, or any of them, mentioned in the preceding section, may be exercised and carried into effect by the said city council, in any manner which they may prescribe, and through the agency of any persons or any board or boards to whom they may delegate the same.

Engineers and officers, authority defined. G. S. c. 24. (R) Clause in brackets repealed. 1869, c. 124.

SECTION 3. The engineers or other officers of the department, so appointed as aforesaid, shall have the same authority in regard to the prevention and extinguishment of fires (R) [and the performance of other offices and duties now incumbent upon fire-wards,] as are now conferred upon fire-wards by the General Statutes (R) [or the special acts relating to the city of Salem now in force.] They shall also have authority, in compliance with any ordinance of said city, to make an examination of places where shavings and other combustible materials are collected or deposited, and to require the removal of such materials, or the adoption of suitable safeguards against fire. And the city council are hereby authorized to make suitable ordinances upon this latter subject-matter, under the penalties provided for in the city charter.

Approved June 1, 1867.

AN ACT CONCERNING THE SALEM FIRE DEPARTMENT.

[1869, Ch. 134.]

SECTION.
1. Amendment of 1867, 323, § 3.
SECTION.
2. Repeal of 1845, 58.

Amendment of 1867, 323, § 3.

SECTION 1. Section three of chapter three hundred and twenty-three, of the acts of the year eighteen hundred and sixty-seven is hereby amended, by striking out the following words: "and the performance of other offices and duties now incumbent upon fire-wards;" also the words, "or the special acts relating to the city of Salem now in force."

Repeal of 1845, 58.

SECTION 2. Chapter fifty-eight of the acts of the year eighteen hundred and forty-five is hereby repealed.

Approved April 1, 1869.

AN ACT TO AUTHORIZE THE CITY OF SALEM TO TAKE FRYE'S MILLS.

[1879, Ch. 135.]

SECTION.
1. City may take Frye's mills and flats in mill-pond.
2. Description of land to be filed in registry of deeds.
3. Liability for damages.
4. When act takes effect.

City may take Frye's mills and flats in mill-pond.

SECTION 1. If, for the purpose of carrying off or otherwise disposing of any drainage, filth or pollution, the city of

Salem shall find it advisable to take Frye's mills, so called, in said Salem, or any or all of the lands or flats connected therewith, and the privileges and franchises belonging and appurtenant thereto, and any or all of the flats in Frye's mill-pond, said city is hereby authorized to take the same.

Description of land to be filed in registry of deeds.

SECTION 2. The mayor of said city, within sixty days after the taking of any of the lands, real estate, franchises or water rights as aforesaid, shall file in the registry of deeds for the county of Essex a description thereof sufficiently accurate for identifying the same.

Liability for damages.

SECTION 3. Said city of Salem shall be liable to pay all damages sustained by any persons or corporations in their property by the taking as aforesaid of any land, water, water rights, franchises or property. If any person or corporation sustaining damage as aforesaid cannot agree with said city upon the amount of said damages, such person or corporation may have them assessed and paid in the same manner as is provided by law with respect to land taken for highways.

When act takes effect.

SECTION 4. This act shall take effect upon its passage.

Approved March 21, 1879.

AN ACT REGULATING THE DEPOSIT AND TRANSPORTATION OF GUNPOWDER, IN THE TOWN OF SALEM.

[1825, Ch. 113.]

SECTION.
1. The keeping of gunpowder regulated.
2. Firewards authorized to make rules in relation to gunpowder.
3. 4. Forfeiture of gunpowder.
5. Firewards may search for gunpowder.
6. Firewards to publish their rules.

SECTION 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That no person, except on military duty, in the public service of the United States, or of this Commonwealth, shall keep, have or possess, in any house, ware house, shop or other building, nor in any street, lane, alley, passage-way, yard or cellar, nor in any wagon, cart or other carriage, nor on any wharf, nor on board of any ship, or other vessel, within two hundred yards of any wharf, or of any part of the shore or the mainland, nor in any place within the town of Salem, gunpowder, in any quantity exceeding five pounds, in any way or manner, other than by this act, and by the rules and regulations hereinafter mentioned, may be permitted and allowed.

The keeping of gunpowder regulated.

SECTION 2. *Be it further enacted,* That the firewards of the town of Salem, be, and they are, hereby, authorized to make and establish rules and regulations, from time to time, relative to the times and places at which gunpowder may be brought to, or carried from said town, by land or by water, the times when, and manner in which, the same may be

Firewards authorized to make rules in relation to gunpowder.

transported through said town, to direct and regulate the kind of carriages, boats, and other vehicles, in which the same may be so brought to, carried from, and transported through, said town, to direct the manner in which gunpowder may be kept by dealers and other persons, and to direct and require all such precautions as may appear to them needful and salutary to guard against danger in the keeping of gunpowder, and in the transportation thereof, to, from, and through, the town of Salem.

Forfeiture of gunpowder.

SECTION 3. *Be it further enacted*, That all gunpowder, which shall be kept, had or possessed, within the town of Salem, or brought into, or transported through the said town, contrary to the provisions of this act, and to the rules and regulations made as aforesaid, may be seized and taken into custody by any one or more of the firewards of said town, and it shall be the duty of such fireward or firewards, within twenty days after such seizure, to file a libel, in the office of the clerk of the court of common pleas, for the county of Essex, stating the case of such seizure, and praying for a decree of forfeiture; and the judges of said court shall have power to hear and determine the case by a jury, where there is a claimant, but without a jury, if upon proclamation, no claimant appear; and to decree the forfeiture and disposition of such property according to law; and to decree a sale and distribution of the proceeds, first deducting all charges; and if such libel be not supported, restitution of the property shall be decreed without costs; but if a claimant appear and dispute the forfeiture, and said gunpowder shall be finally decreed forfeited, such claimant shall pay all costs of prosecution which may have legally arisen thereon.

SECTION 4. *Be it further enacted*, That all gunpowder so forfeited, shall be forfeited one moiety thereof to the use of this Commonwealth, and the other moiety thereof to the use of the town of Salem.

Firewards may search for gunpowder.

SECTION 5. *Be it further enacted*, That it shall and may be lawful, for any one or more of the firewards of the town of Salem to enter any building or other place in said town, in the day time, to search for gunpowder, which they may have reason to suppose to be concealed or kept contrary to the provisions of this act, or to the rules and regulations made as aforesaid, having first obtained a search warrant therefor according to law.

Firewards to publish their rules.

SECTION 6. *Be it further enacted*, That it shall be the duty of the firewards of the town of Salem, to cause all such rules and regulations as they may make and establish, by virtue of the authority given by this act, to be published in two or more newspapers printed in the town of Salem, and to cause such publication to be continued two weeks successively, for the information and government of all persons concerned.

March 2, 1826.

AN ACT TO PREVENT OBSTRUCTIONS IN THE HARBOR OF SALEM.

[1838, Ch. 12.]

SECTION.
1. Ballast, etc., not to be thrown from any vessel, or otherwise, into Salem harbor. Penalties.

Ballast, etc., not to be thrown from any vessel, or otherwise, into Salem harbor. 1876, c. 78, § 6.

SECTION 1. No person shall throw, or put, or cause to be thrown or put, from any vessel or otherwise, any ballast, rubbish, or materials of any description, into the harbor of Salem, or into the channel of the South River, which may injure or obstruct the navigation of the same. Any person guilty of this offence may be prosecuted therefor, by complaint before the police court of said city, and shall, at the discretion of the justice of said court, be punished by a fine not exceeding twenty dollars, or be holden to answer for the same at the court of common pleas, and on conviction in said court, shall be punished by a fine not exceeding two hundred dollars for every offence.

Penalties.

Approved Feb. 23, 1838.

AN ACT TO AUTHORIZE THE APPOINTMENT AND TO DEFINE THE DUTIES OF A HARBOR-MASTER FOR THE PORT OF SALEM.

[1876, Ch. 78.]

SECTION.
1. Harbor-master may be appointed. To give bonds. May appoint a deputy.
2. Vessels to be anchored under direction of harbor-master.
3. To get a permit from harbor-master before unloading.
4. To brace yards, etc., when directed.
5. To be moved in harbor according to directions of harbor-master.
6. Gravel, etc., not to be deposited in harbor.
7. Channel not to be obstructed by warps or lines.
8. Vessels to change berths when directed.
9. To be stationed in stream as harbor master may order.
10. Penalty for disobeying instructions.
11. Liability for damages.
12. Masters of vessels to be furnished with copy of this act.
13. When act takes effect.

Harbor-master may be appointed.

SECTION 1. The board of mayor and aldermen of the city of Salem may appoint a harbor-master for the port of Salem, who shall continue in office until a successor is qualified, and who, before entering upon the duties of his office, shall give to the treasurer of said city a bond, which shall be satisfactory to the board of mayor and aldermen, in the sum of two thousand dollars, conditioned upon the faithful performance of his duties; and said harbor-master shall have the power to appoint a deputy when, in the opinion of the board of mayor and aldermen, it is necessary; and such appointment shall be subject to their approval, and said board shall fix the salaries of both of said officers. Said harbor-master shall enforce the provisions of this act.

To give bonds.

May appoint a deputy.

Vessel to be anchored under direction of harbor-master.

SECTION 2. All vessels entering the said harbor shall be anchored according to the direction of said harbor-master.

To get a permit from harbor-master before unloading.

SECTION 3. Every vessel, before unloading lumber in the stream, shall get a permit from said harbor-master, designating where such lumber may be rafted to avoid obstructing the channel or hindering the movements of other vessels.

To brace yards, etc., when directed.

SECTION 4. Every vessel lying in the harbor, or at any wharf or pier, in said port, shall, when directed by said harbor-master, cockbill the lower yards, brace the topsail yards, fore and aft, and rig in the jib-boom.

To be moved in harbor according to directions of harbor-master.

SECTION 5. Said harbor-master may cause to be moved, any vessel lying in the harbor and not anchored according to his directions, and not moving when directed by him so to do, and the expense thereof shall be paid by the master or owners of such vessel; and in case of neglect or refusal to pay after the same shall have been demanded, said expense may be recovered of said master or owners by said harbor-master to the use of the said city, in an action of contract.

Gravel, etc., not to be deposited in harbor. 1838, c. 12.

SECTION 6. No person shall throw or deposit in said harbor, or any part thereof, any stones, gravel, ballast, cinders, ashes, dirt, mud or other substance which may in any way tend to injure the navigation thereof.

Channel not to be obstructed by warps or lines.

SECTION 7. No warp or line shall be passed across the channel or any dock, so as to obstruct vessels passing along the same.

Vessels to change berths, when directed.

SECTION 8. If any vessel occupying a berth at any of the wharves or piers of said city, either with or without the

consent of the wharfinger thereof, shall fail to vacate such berth upon notice from the wharfinger or his agent to the master, or those having such vessel in charge for the time being, in a reasonable time, to be adjudged by said harbor-master, said harbor-master shall then cause such vessel to be moved to some other berth or anchored in the stream, and the expense thereof may be collected of the master or owners thereof, by said harbor-master, to the use of said city, in an action of contract.

To be stationed in stream as harbor-master mayorder.

SECTION 9. Said harbor-master shall have authority to regulate and station all vessels in the stream of said harbor and to remove such as are not employed in receiving or discharging their cargoes, to make room for such others as require to be more immediately accommodated for the purpose of receiving or discharging their cargoes, and as to the fact of their being fairly and actually employed in receiving or discharging their cargoes, the said harbor-master is hereby constituted the sole judge.

Penalty for disobeying instructions.

SECTION 10. Whoever shall refuse or neglect to obey the instructions of said harbor-master, or shall resist him in the execution of his duties, shall forfeit and pay a fine not exceeding fifty dollars.

Liability for damages.

SECTION 11. Any person violating the provisions of this act, in addition to any fines imposed in accordance herewith, shall be liable in an action of tort to any person suffering damage by such violation.

Masters of vessels to be furnished with copy of this act.

SECTION 12. It shall be the duty of said harbor-master to place in the hands of the master of every vessel arriving at the port of Salem, a copy of this act.

When act takes effect.

SECTION 13. This act shall take effect upon its passage.

Approved March 30, 1876.

AN ACT AUTHORIZING THE CITY OF SALEM TO ESTABLISH ORDINANCES AND REGULATIONS RESPECTING THE SURVEY OF LUMBER.

[1840, Ch. 44.]

SECTION.
1. Proviso in Revised Statutes, c. 28, § 155, extended to Salem.

Proviso in Revised Statutes, c. 28, § 155, extended to Salem.

SECTION 1. The proviso in the twenty-eighth chapter and the one hundred and fifty-fifth section of the Revised Statutes, shall be extended to the city of Salem, so that the city government of said city may establish any ordinances and regulations, with suitable penalties, respecting the appointment of surveyors, and the survey and admeasurement of boards, plank, timber, and lumber, of every description, brought by water into said city, for sale, which they may, from time to time, determine to be expedient.

Approved March 18, 1840.

AN ACT FOR THE MORE EFFECTUAL REGULATION OF THE MARKET IN THE TOWN OF SALEM, AND FOR OTHER PURPOSES.

[1816, Ch. 103.]

SECTION.
1. Selectmen authorized to make market regulations. Regulations to be published. Penalties. Fines recovered to be paid to overseers of poor, etc.
2. Averment on complaints.

SECTION 1. That the selectmen of the town[1] of Salem, for the time being, be and hereby are authorized to make any rules and orders not repugnant to the constitution or laws of this commonwealth, for the due regulation and government of the market-house of said town, and of the market-carts, wagons, sleds, sleighs, and other vehicles or carriages, used for marketing in said town, and of the market-men who frequent said town for the purpose of buying and selling provisions and other commodities in open market; and the said selectmen be and hereby are authorized to appoint, from time to time, suitable places in the streets, squares and other public places in said town, in which all wagons, carts, sleds, sleighs, or other vehicles or carriages, containing provisions, wood, hay, barrels or other commodities for sale in open market, shall stand for the purpose of such sale; which rules and orders, when approved by the inhabitants of said town, in legal town meeting assembled, shall be and become by-laws of said town, and shall be binding upon all persons whomsoever. And such rules and orders, when so approved, shall be published in all the newspapers printed in said town.

Selectmen authorized to make market regulations.

Regulations to be published.

1 By sect. 8 of the city charter, all the powers vested in the selectmen of Salem, were vested in the mayor and aldermen.

And if any person or persons shall, after the same shall have been published as aforesaid, offend against any of such rules or orders, he, she or they shall, for each offence, forfeit and pay a sum not exceeding ten dollars, to be recovered on complaint of either of the selectmen of said town, or of any person or persons, who shall be appointed by them as inspector or inspectors of the police of said town, before any justice of the peace for the county of Essex, resident in said town or elsewhere in said county. And all fines and forfeitures, recovered on any such complaint, shall be paid to the overseers of the poor of said town, to be distributed among such poor, according to the discretion of the said overseers.

Penalties.

1853, c. 57, § 10.

Fines recovered to be paid to overseers of the poor, etc.

Averment on complaints. G. S. c. 171, § 16. 1846, c. 62.

SECTION 2. That in every such complaint under this act as well as in all other complaints for breaches of any of the by-laws of said town, it shall be sufficient summarily to state the offence, and to conclude with an averment that the same is against the by-laws of the said town, without reciting the by-law or by-laws on which such complaint shall have been founded, or the time or manner in which the same was or were passed or approved.

Approved Dec. 13, 1816.

AN ACT TO EXTEND TO THE CITY OF SALEM THE PROVISIONS OF CHAPTER NINETEEN OF THE GENERAL STATUTES IN RELATION TO THE CONSTRUCTION OF THE WORDS "MAYOR AND ALDERMEN."

[1879, Ch. 134.]

SECTION.	SECTION.
1. Words "mayor and aldermen" construed.	2. When act takes effect.

SECTION 1. Section seventeen of chapter nineteen of the General Statutes is amended by striking out the word "city," and inserting instead thereof the word "cities," and by inserting after the word "Boston" the words "and Salem." Words "mayor and aldermen" construed. G. S. c. 10, § 17.

SECTION 2. This act shall take effect upon its passage. When act takes effect.

Approved March 21, 1879.

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*AN ACT TO AUTHORIZE THE CITY OF SALEM TO TAKE CERTAIN LANDS AND FLATS IN THE SOUTH MILL POND.

[1882, Ch. 190.]

SECTION.	SECTION.
1. May take land and flats of South Mill Pond. Proviso.	ment of cost of filling.
2. To have recorded in registry of deeds a description of land or flats taken.	4. Assessment of damages in case of disagreement.
3. Lands to be reconveyed upon pay	5. Liability for costs.
	6. Power to lay out streets not restricted.

SECTION 1. For the purpose of abating the nuisance in May take

*Not accepted.

land and flats of South Mill Pond.

the South Mill Pond, so called, in the city of Salem, the said city may from time to time purchase or otherwise take any or all of the lands or flats in or under said South Mill Pond, or along the margin thereof, and fill and raise the same to such grade as may be deemed necessary or expedient, or it may dredge the same: *provided, however*, that nothing in this act shall authorize the taking of, or interference with, land lying within the location of the Eastern Railroad Company, or now actually occupied by said corporation for railroad purposes; and *provided, further*, that no land in said South Mill Pond lying east of a line beginning at or near the south-westerly corner of Summer street, and running southerly parallel with the westerly main track of said Eastern Railroad, and three hundred and ten feet distant therefrom, shall be taken for the purposes of dredging.

Proviso.

To have recorded in registry of deeds a description of land or flats taken.

SECTION 2. Said city shall, within sixty days from the time of taking said lands or flats, file and cause to be recorded in the office of the registry of deeds for the southern district of the county of Essex a description of the lands or flats so taken, as certain as is required in a common conveyance of lands, and a statement that the same are taken pursuant to the provisions of this act, which said description and statement shall be signed by the mayor of said city; and the title of all lands or flats so taken shall vest in the city of Salem in fee simple, and the same may be sold and conveyed by said city in such manner as the city council may determine.

Lands to be reconveyed upon pay.

SECTION 3. Any party whose lands or flats are taken and filled shall be entitled to a re-conveyance of the same from

said city upon re-imbursing it for its reasonable costs of such filling, and upon demand made for such re-conveyance within ninety days from the time when such filling is completed. ment of cost of filling.

SECTION 4. Any owner of lands or flats so taken or filled, who cannot agree with the said city as to the damage done to him by said taking or filling, may at any time within three years from the time of such taking or filling have the said damage assessed by the county commissioners; and if either party is dissatisfied with the estimate of the county commissioners, said party may apply for a jury to assess the damages; and the proceedings thereon, and the proceedings upon application to the county commissioners, shall be the same, as provided for the assessment of damages in laying out highways. The respective rights and remedies of persons having different or separate interests or estates in the same property, as to the disposition of the damages awarded or agreed to under this act, shall be in all respects the same as they now are in the case of property taken for the laying out of highways. Assessment of damages in case of disagreement.

SECTION 5. If any party shall apply for and obtain a trial by jury he shall recover his legal costs after such application if he shall recover a greater amount than the award of the county commissioners, with the accrued interest thereon, otherwise he shall be liable for the legal costs of the city of Salem. If said city shall make such application, and the verdict of the jury shall be less than the amount awarded by the county commissioners, it shall recover its legal costs otherwise it shall be liable for the legal costs of the other party. Liability for costs.

Power to lay out streets not restricted.

SECTION 6. Nothing in this act shall restrict the power of the city council of the city of Salem to lay out, in the manner provided by the charter of said city, any street or way over any of the lands or flats referred to in this act.

SECTION 7. This act shall take effect upon its acceptance by the city council of the city of Salem.

Approved April 29, 1882.

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*AN ACT TO AUTHORIZE THE CITY OF SALEM TO TAKE CERTAIN FLATS IN THE NORTH RIVER.

[1881 Ch. 213.]

SECTION.
1. May take flats in North River, for abatement of nuisance. Description of land taken to be filed in registry of deeds.
2. Assessment of damages.
3. Trial by jury. Costs.
4. Application to be made within three years.
5. Streets may be laid out.
6. Subject to acceptance.

May take flats in North River, for abatement of nuisance.

SECTION 1. For the purpose of abating a nuisance in the city of Salem, in that part of the North River lying in Salem above North Bridge, the said city may from time to time purchase or otherwise take any or all of the flats lying in the said North River, between North Street and Grove Street, and southerly of the Essex Railroad, and fill and raise the same to such grade as may be deemed necessary or expedient. Such city shall within sixty days from the time

* Accepted by city council May 4, 1881.

it shall take for such purpose said flats, or any of them, file in the office of the registry of deeds for the southern district of the county of Essex a description of the flats so taken, as certain as is required in a common conveyance of lands, and a statement that the same are taken pursuant to the provisions of this act; which said description and statement shall be signed by the mayor of said city, and the title of all flats so taken shall vest in the city of Salem in fee simple, and the same may be sold and conveyed by said city in such manner as the city council may determine; and if any party whose flats are taken shall agree with said city upon the damage done to him by the said taking, the same shall be paid to him by the said city forthwith.

Description of land taken to be filed in registry of deeds.

SECTION 2. Any owner of flats so taken who cannot agree with the said city as to the damage done to him by said taking may have the same assessed by the county commissioners; and if either party is dissatisfied with the estimate of the county commissioners said party may apply for a jury to assess the damages; and the proceedings thereupon and the proceedings upon application to the county commissioners shall be the same as provided for the assessment of damages in laying out highways. The respective rights and remedies of persons having different or separate interests or estates in the same property as to the disposition of the damages awarded or agreed to under this act shall be in all respects the same as they now are in the case of property taken for the laying out of highways.

Assessment of damages.

SECTION 3. If any party shall apply for and obtain a

Trial by jury.

trial by jury, he shall recover his legal costs after such application, if he shall recover a greater amount than the award of the county commissioners with the accrued interest thereon, otherwise he shall be liable for the legal costs of the city of Salem. If said city shall make such application and the verdict of the jury shall be less than the amount awarded by the county commissioners, it shall recover its legal costs otherwise it shall be liable for the legal costs of the other party.

Costs.

Application to be made within three years.

SECTION 4. No application to the county commsssioners to estimate damages for lands taken under this act shall be sustained, unless made within three years from the time of taking the same.

Streets may be laid out.

SECTION 5. The city council of the city of Salem is hereby authorized to lay out, in the manner provided by the charter of said city, any street or way over any of the flats referred to in this act.

Subject to acceptance.

SECTION 6. This act shall take effect on its acceptance by the city council of the city of Salem.

Approved April 21, 1881.

*AN ACT TO AUTHORIZE THE CITY OF SALEM TO TAKE CERTAIN LANDS OR FLATS IN THE NORTH RIVER IN SAID CITY.

[1883. Ch. 185.]

SECTION.
1. City may take lands, etc., for abating a nuisance.
2. To file and have recorded in the registry of deeds a description of the land, etc., taken.
3. Liability for damages.
4. Work to be done with approval of the harbor and land commissioners, and under their supervision.
5. May lay out streets and ways.
6. Subject to acceptance by the city council.

City may take lands, etc., for abating a nuisance.

SECTION 1. For the purpose of abating a nuisance in the city of Salem, in that part of the North River lying above North Bridge, so called, the said city may, from time to time, take, by purchase or otherwise, any or all of the lands or flats in said city lying in the said North River westerly of North Street and northerly of the Essex Railroad, being all the land or flats remaining between North and Dean streets, and fill and raise the same to such grade as may be deemed necessary or expedient.

To file and have recorded in the registry of deeds a description of the land, etc., taken.

SECTION 2. The said city shall, within sixty days after the taking of any lands or flats as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the southern district of the county of Essex, a description of the lands or flats so taken sufficiently accurate for identification, with a statement of the purpose for and the authority under which the same were taken, signed by the mayor of said city; and the title of all lands or flats taken under this act shall vest in the city of Salem in fee

*Accepted by city council June 16, 1883.

simple, and the same may be sold and conveyed by said city in such manner as the city council may determine.

Liability for damages.

SECTION 3. The said city shall pay all damages sustained by any person in property by the taking of any land or flats, or by any other thing done by said city under the authority of this act. Any person sustaining damages as aforesaid under this act, who fails to agree with said city as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within the period of three years from the taking of such lands or flats or the doing of other injury, under the authority of this act; but no such application shall be made after the expiration of said three years. Any person sustaining damages as aforesaid under this act, who agrees with said city upon the amount of damages sustained by him, shall be paid the amount of such damages by said city forthwith. The respective rights and remedies of persons having different, separate or contingent interests or estates in the same property, as to the disposition of the damages awarded or agreed to under this act, shall be the same in all respects as are provided by law when land is taken for the laying out of highways.

Work to be done with approval of the harbor and land commissioners, and under their supervision.

SECTION 4. The city of Salem before beginning to fill any land or flats taken under the authority of this act shall give written notice to the board of harbor and land commissioners of the work it intends to do, and shall submit to the said board plans of the lands or flats proposed to be filled

and of the mode in which the work is to be performed, and no such work shall be commenced until the plans and the mode of performing the work have been approved in writing by said board; and all such work shall be executed under the supervision of said board.

SECTION 5. The city council of said city may lay out, in the manner provided by the charter of said city, streets and ways over any of the lands or flats referred to in this act. May lay out streets and ways.

SECTION 6. This act shall take effect on its acceptance by the city council of the city of Salem. Subject to acceptance by the city council.

Approved May 16, 1883.

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*AN ACT TO AUTHORIZE THE CITY OF SALEM TO TAKE, DREDGE AND FILL CERTAIN LANDS OR FLATS IN THE NORTH RIVER IN SAID CITY.

[1884, Ch. 194.]

SECTION.
1. May take and fill certain lands and flats.
2. To have recorded in the registry of deeds, within sixty days, a description of lands or flats taken.
3. Liability for damages.
4. Work to be executed under supervision of harbor and land commissioners.
5. Streets may be laid out over lands and flats.
6. Subject to acceptance by city council.

SECTION 1. For the purpose of abating the nuisance in May take and

*Accepted by the city council May 17, 1884.

fill certain lands and flats.

the city of Salem in that part of the North River lying easterly of North Street, the said city may, from time to time, purchase or otherwise take any or all of the lands or flats in the said North River in Salem lying easterly of North Street and northerly of the location of the Eastern Railroad, and fill and raise the same to such grade as may be deemed necessary or expedient; or said city may dredge any flats taken by it under the authority of this act or heretofore taken by it under authority of chapter one hundred eighty-five of the acts of the year eighteen hundred eighty-three.

To have recorded in the registry of deeds, within sixty days, a description of lands or flats taken.

SECTION 2. Said city shall, within sixty days from the time of taking said lands or flats, file and cause to be recorded in the office of the register of deeds for the southern district of the county of Essex a description of the lands or flats so taken as certain as is required in a common conveyance of lands, and a statement that the same are taken pursuant to the provisions of this act; which said description and statement shall be signed by the mayor of said city; and the title of all lands or flats so taken shall vest in the city of Salem in fee simple, and the same may be sold and conveyed by said city in such manner as the city council may determine.

Liability for damages.

SECTION 3. Said city shall pay all damages sustained by any person in property by the taking of any lands or flats or by any other thing done by said city under the authority of this act. Any person sustaining damages as aforesaid under this act who fails to agree with said city as to the amount of damages sustained may have the same assessed and determined in the manner provided by law when land is taken

for the laying out of highways, on application at any time within the period of one year from the taking of such lands or flats or the doing of other injury under the authority of this act; but no such application shall be made after the expiration of said period. Any person sustaining damages as aforesaid under this act who agrees with said city upon the amount of damages sustained by him shall be paid the amount of said damages by said city forthwith. The respective rights and remedies of persons having different, separate or contingent interests or estates in the same property, as to the disposition of the damages awarded or agreed to under this act, shall be the same in all respects as are provided by law when land is taken for the laying out of highways.

Work to be executed under supervision of harbor and land commissioners.

SECTION 4. The city of Salem before beginning to fill or dredge any flats taken under the authority of this act shall give written notice to the board of harbor and land commissioners of the work proposed, and shall submit to said board plans of the flats proposed to be filled or dredged, showing the mode in which the work is to be performed; and no such work shall be commenced until the plans and the mode of performing the work have been approved in writing by said board; and all such work shall be executed under the supervision of said board.

Streets may be laid out over lands and flats.

SECTION 5. The city council of said city may lay out, in the manner provided by the charter of said city, streets and ways over any of the lands or flats referred to in this act.

Subject to acceptance by city council.

SECTION 6. This act shall take effect upon its acceptance by the city council of the city of Salem.

Approved April 29, 1884.

AN ACT TO ANNEX TO THE CITY OF SALEM A PARCEL OF LAND LYING IN THE TOWN OF PEABODY.

[1882, Ch. 114.]

Parcel of land in Peabody annexed to Salem.

Parcel of land in Peabody annexed to Salem.

All that parcel of land lying in the town of Peabody belonging to the Harmony Grove Cemetery, which is described as follows, viz.:—Beginning at a point formed by the intersection of the south-westerly line of Tremont Street with the boundary line dividing the town of Peabody and the city of Salem, and running north-westerly by the south-westerly line of Tremont Street about two hundred feet to the south-easterly line of Mount Vernon Street; then turning and running south-westerly by the south-easterly line of Mount Vernon Street about seven hundred and fifty feet to the land now or late of James Buxton; then turning and running south-easterly by said land now or late of said Buxton about two hundred feet to said boundary line dividing said town and city; then turning and running north-easterly by said boundary line to the point of beginning; is hereby set off from the town of Peabody and annexed to the city of Salem.

Approved March 27, 1882.

AN ACT CONCERNING PILOTAGE.

[1871, Ch. 351.]

SECTION.
1. Coasting vessels of 550 tons, and registered vessels of 350 tons, not required to pay compulsory pilotage in Boston and Salem.

SECTION 1. No vessel of five hundred and fifty tons and under, regularly employed in the coasting trade of the United States and sailing under a coasting license, and no vessel of three hundred and fifty tons and under, sailing under a register, declining the services of a pilot, shall be liable to pay compulsory pilotage into or out of the ports of Boston and Salem, unless said vessel is bound to or from a foreign port.

Coasting vessels of 550 tons, and registered vessels of 350 tons, not required to pay compulsory pilotage in Boston and Salem.
1862, c. 176, § 8 and 9.
1862, c. 176.

Any vessel from a foreign port calling at a coastwise port for a harbor or for orders, to be considered the same as coming from a foreign port.

Regulations for Salem and Beverly.
1873, c. 284, § 1.

Approved May 25, 1871.

AN ACT FOR INCORPORATION OF THE TRUSTEES OF THE PLUMMER FARM SCHOOL OF REFORM FOR BOYS.

[1855, Ch. 465.]

SECTION.
1. Corporators. Purpose.
2. Government vested in board of ten trustees.
3. Trustees to have charge of general interests of the school. By-Laws.
4. Court may sentence boys under sixteen convicted of offence, etc.
5. Police court may sentence minors under sixteen years of age, leading dissolute lives, etc. Proviso.
6. Authority of trustees to bind out.
7. Treasurer to give bond.
8. Trustees to hold property, etc., for general use of the school.
9. Appointment and tenure of office of trustees.
10. No compensation, etc.
11. Vacancies, how filled.

Corporators.

SECTION 1. That Daniel A. White, Stephen C. Phillips, William I. Bowditch, Joseph Andrews, William D. Waters, David Nichols, George Andrews, James Kimball, Eleazer Austin, William Chase, and their successors, are hereby made a corporation, for the purpose of establishing and conducting for the city of Salem, in the county of Essex, a school for the instruction, employment and reformation of juvenile offenders, to be called the Plummer Farm School of Reform for Boys.

Purpose.

Government vested in board of ten trustees.

SECTION 2. Be it further enacted, that the government of said school shall be vested in said board of ten trustees, and their successors, thereafter to be chosen by the mayor and aldermen of the city of Salem, as hereinafter provided.

Trustees to have charge of general interests of the school.

SECTION 3. Be it further enacted, that the said trustees shall have charge of the general interests of the school, shall provide employment for the inmates, and bind them out, discharge or remand them in such manner as they may deem

beneficial; they shall also appoint a treasurer, superintendent, and such other officers as in their judgment may be necessary for conducting, efficiently and economically, the business of the institution; and all appointments made by them shall be made in such manner, and with such restrictions, and for such terms of time as the by-laws may prescribe; the trustees shall also establish by-laws and regulations for the internal government and economy of the institution.

By-laws.

SECTION 4. Be it further enacted, when any boy residing in the city of Salem, under the age of sixteen years, shall be convicted of any offence known to the laws of this commonwealth and punishable by imprisonment, the court, before whom such conviction shall be had, may, at their discretion, sentence such boy to the said school or to such punishment as is now provided by law for such offence. And all commitments of boys to this institution shall be for a term not longer than during their minority, nor less than one year, unless sooner discharged by order of the trustees.

Court may sentence boys under sixteen, convicted of offence, etc.

SECTION 5. Be it further enacted, that the police court of the city of Salem, upon the complaint, under oath, of the mayor of said city or of any of the trustees, that any minor under the age of sixteen years lives an idle and dissolute life, and that his parents are dead, or, if living, do neglect to provide suitable employment or to exercise salutary control over such minor, shall have power, upon conviction thereof, to sentence such minor to said school, to be there kept and governed according to law: *provided*, that nothing herein is

Police court may sentence minors under sixteen years of age, leading dissolute lives, etc.

Proviso.

to be construed to take away the right of appeal, in the cases aforesaid, from the police court to the court of common pleas.

Authority of trustees to bind out.

SECTION 6. Be it further enacted, that the trustees shall have authority to bind out, in respectable and suitable families, or to reputable trades or occupations, all boys committed to their charge, in the same manner as if such binding or apprenticing were made by overseers of the poor.

Treasurer to give bond.

SECTION 7. Be it further enacted, that the treasurer shall give bond, with sufficient sureties, to the satisfaction of the board of trustees, for the faithful performance of the duties of his office.

Trustees to hold property, etc., for general use of the school.

SECTION 8. Be it further enacted, that all the moneys, lands, or other property already devised or subscribed, or which may be hereafter given, assigned or transferred to the said trustees for the use of said institution, shall be received and held by them and their successors in office, in trust, to be applied to the maintenance and general use of the school.

Appointment and tenure of office of trustees.

SECTION 9. Be it further enacted, that when five years shall have expired after the first appointment of a board of trustees, two trustees shall be appointed annually, and for this purpose the board of trustees may determine, by lot or otherwise, the two members whose places shall be thereafter annually vacated.

No compensation, etc.

SECTION 10. Be it further enacted, that no trustee shall receive any compensation for his services, but he shall be

allowed the amount of expense incurred by him in the discharge of the duties of his office.

SECTION 11. Be it further enacted, that any vacancy occurring in the board of trustees shall be filled by the mayor and aldermen of the city of Salem. Vacancies, how filled.

Approved May 21, 1855.

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*AN ACT TO AUTHORIZE THE CITY OF SALEM TO ACCEPT THE DEED OF GIFT OF MARY A. BERTRAM AND OTHERS, AND TO CARRY OUT THE PROVISIONS THEREOF.

[1888, Ch. 34.]

SECTION.
1. May accept deed of Mary A. Bertram and others.
2. City of Salem Public Library Loan. May sell securities at public or private sale.
3. Payment may be provided for in annual instalments.

SECTION 1. All requisite power and authority is hereby given to the city of Salem, acting by the city council thereof, to accept the deed of Mary A. Bertram and others, dated December twenty-eighth, A. D. eighteen hundred and eighty-seven, for the purpose of establishing and maintaining a free public library in said city, and to carry out said purpose in the manner specified in said deed. May accept deed of Mary A. Bertram and others.

SECTION 2. Said city is hereby authorized to borrow a City of Salem

*Accepted by city council February 21, 1888.

Public Library Loan.

sum not exceeding twenty-five thousand dollars to be used for carrying out said purpose in the manner aforesaid, and it may issue therefor bonds, notes or scrip not exceeding the amount borrowed; said bonds, notes and scrip shall bear on their face the words "City of Salem Public Library Loan, act of eighteen hundred and eighty-eight," and shall be payable at the expiration of a period not exceeding twenty-five years from the date of issue, shall bear interest payable semi-annually at a rate not exceeding six per centum per annum, and shall be signed by the mayor and treasurer of said city.

May sell securities at public or private sale.

The said city may sell said securities at public or private sale, or pledge the same for money borrowed for the purpose aforesaid, upon such terms and conditions as it may deem proper; or, if the board of trustees provided for in said deed is willing to invest in said bonds, notes or scrip the fund of twenty-five thousand dollars to be paid to said board by said city, the city may deliver to said board said bonds, notes or scrip with the same effect as if it had paid over to said board the proceeds of the sale of said bonds, notes or scrip, and the trustees shall have the same rights as any other purchaser or purchasers thereof.

Payment may be provided for in annual instalments

SECTION 3. The said city may, at the time of authorizing said loan, provide for the payment thereof in such annual proportionate instalments as will extinguish the same within the time prescribed in this act; and when such provision has been made the amount required thereby shall without further order be assessed by the assessors of said city in each year thereafter until the debt incurred by said loan shall be extinguished, in the same manner as other taxes are assessed

under the provisions of section thirty-four of chapter eleven of the Public Statutes. If said city does not make such provisions, said loan shall be subject to all the provisions of section nine of chapter twenty-nine of the Public Statutes.

SECTION 4. This act shall take effect upon its acceptance by the city council of said city.

Approved February 13, 1888.

RESOLVE RELATIVE TO SEWAGE DISPOSAL AND DRAINAGE IN SALEM AND PEABODY.

[1895, Ch. 112.]

Resolved, That the state board of health is hereby authorized and directed to consider and report a general system of drainage and sewerage for the city of Salem and town of Peabody, or for such parts of said city and town, not all of which shall be wholly within either of said municipalities, as may, in the opinion of said board, be best drained by said system. It shall be the duty of said board: — First. To designate the portions of said city and town which shall be tributary to and embraced in the district and system to be so reported, and to define the same by their report, with plans and maps. Second. To define and show, by suitable plans and maps, such trunk line and main branches as it shall recommend to be constructed, with outlet. Third. To consider the various methods of disposal of sewage and the

application of such methods to any portion of the territory herein mentioned; and to define the methods by which said city and town, or parts of said city and town, may utilize said trunk line and main branches as an outlet of a system of sewerage and drainage for said city and town and said parts of said city and town respectively; and to show the same by plans and maps. Fourth. To employ such engineering and other assistance as may be necessary for carrying out the objects of this resolve, and to cause such surveys and levels to be made as will enable said board to determine with accuracy the location and grades of said trunk line and main branches, and also such surveys and levels in said city and town, and parts of said city and town, as will enable said board to determine with accuracy the methods by which said city and town, and parts of said city and town, may respectively utilize said trunk line and main branches, and to report such methods by plans showing the main lines by which each may so provide for itself a system of sewerage and drainage with its outlet into said trunk line or main branches. Fifth. To define the size and capacity of said trunk line and main branches, and the materials of which they should be constructed and manner of construction, and such other particulars as will enable said board to determine the probable expense thereof; and to ascertain and report the cost of the construction of said trunk line and main branches and outlet, and to report a recommendation as to the methods of apportioning said cost. All expenses incurred by said board under the provisions of this resolve shall be reported to the governor and council, and all such expenses when approved by them shall be paid out of the treasury of the

Commonwealth; but the total expenditure shall not exceed three thousand dollars. The Commonwealth shall be reimbursed for such expenditure under this resolve as shall have been approved by the governor and council in the following manner: — The town of Peabody and the city of Salem shall each pay such proportion of the above expenditure as the said board shall deem to be equitable, and the amounts so to be paid by each shall be assessed and collected by the treasurer of the Commonwealth at the time required for the payment of the state tax of said town and said city respectively. Said board shall make all reports required by this resolve to the general court on or before the first Wednesday of January in the year eighteen hundred and ninety-six.

Approved May 29, 1895.

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*AN ACT TO PROVIDE FOR LICENSING CONDUCTORS, DRIVERS AND DESPATCHERS OF STREET RAILWAY CARS IN THE CITY OF SALEM.

[1891, Ch. 133.]

SECTION.

1. Conductors, drivers, etc. of street railway cars may be licensed by the board of aldermen, in Salem. Fee for license not to exceed twenty-five cents.
2. Record of issue, surrender, etc., of licenses to be kept.
3. Persons licensed to be required to conform to laws and ordinances.
4. Penalty for acting without a license.
5. When license is revoked, new license not to issue within a period of one month.
6. Subject to acceptance by the city council.

SECTION 1. The board of aldermen of the city of Salem Conductors,

*Accepted by city council April 20, 1891.

drivers, etc., of street railway cars may be licensed by the board of aldermen, in Salem.

shall, upon the recommendation of the president, superintendent or board of directors of any street railway corporation using the streets of said city, issue licenses from time to time to the conductors and drivers of the several street railway corporations, and also to the persons employed to start or despatch the cars of said corporations from the stables, stations, depots and other places within said city; and said board of aldermen may after due notice and a hearing revoke any such license at any time for sufficient cause. Such licenses shall continue and remain in force until surrendered by the licensee or until revoked by said board of aldermen, and shall contain such provisions and conditions as said board shall determine: *provided, however*, that the fee to be paid for each license shall not exceed the sum of twenty-five cents.

Fee for license not to exceed twenty-five cents.

Record of issue, surrender, etc., of licenses to be kept.

SECTION 2. A record of the issue, surrender and revocation of such licenses shall be kept by the city clerk of said city, and shall be open at all times to the inspection of the presidents and superintendents of the several street railways using the streets in said city; and whenever any such license is revoked notice thereof shall be transmitted to the presidents or superintendents of said street railways and to the licensee.

Persons licensed to be required to conform to laws and ordinances.

SECTION 3. Said board of aldermen shall require the police officers of said city to observe and direct the persons licensed under this act, and to cause them to conform to the laws of the Commonwealth, the ordinances of the city of Salem and the regulations of the board of aldermen of said

city relating to the use of the tracks, the speed of the cars and especially to the obstructions of public travel by the management of the street cars; said police officers shall secure the necessary testimony and shall report to the board of aldermen every instance of the wilful or persistent violation by any licensee of any such law, ordinance, regulation or rule, or any refusal to obey the request of said officers respecting the management of any street car.

Penalty for acting without a license.

SECTION 4. Any person who shall act in the capacity of driver, conductor, starter or despatcher of any street car at any place within the limits of said city without being licensed therefor as herein provided, or who shall act in such capacity in violation of the provisions or conditions or after the revocation of such license, shall forfeit and pay a sum not exceeding ten dollars for each offence.

When license is revoked, new license not to issue within a period of one month.

SECTION 5. No person whose license shall have been revoked pursuant to the provisions of this act shall be reinstated or receive a new license as conductor, driver, starter or despatcher on any street railway in the city of Salem within a period of one month from the date of the revocation of his license.

Subject to acceptance by the city council.

SECTION 6. This act to take effect when accepted by the city council of the city of Salem.

Approved March 28, 1891.

AN ACT AUTHORIZING THE LAYING OUT OF A TOWN WAY ACROSS THE NORTH RIVER IN SALEM.

[1853, Ch. 289.]

SECTION.
1. May construct town way and bridge. Proviso.

May construct town way and bridge.

SECTION 1. The city council of the city of Salem are empowered, if, in their opinion, public convenience and necessity require the same, to lay out a town way, and cause to be built a bridge across the North River in Salem, at any convenient place between the North Bridge and Carltonville bridge, so called, in said Salem: *provided*, that such way and bridge cross the Essex railroad above grade, leaving a suitable space under the same for the passage of engines and cars.

Proviso.

Approved May 4, 1853.

AN ACT TO AUTHORIZE THE CITY OF SALEM TO LAY OUT STREETS OVER AND ACROSS THE TIDE-WATERS OF COLLINS COVE.

[1869, Ch. 186.]

SECTION.
1. May lay out streets across tide-waters of Collins Cove.
2. Order of city council laying out streets confirmed.

May lay out streets across tide-waters of Collins Cove.

SECTION 1. The city council of the city of Salem are hereby authorized to lay out streets over and across the tide-waters of Collins Cove, so called, in said Salem: *provided*,

that said streets shall not extend beyond a line drawn from the north-east corner of the old wharf on the Pierce and Wait lot, so called, south-east across the mouth of said cove.

Order of city council laying out streets confirmed.

SECTION 2. The order of the city council of said city, passed July thirtieth, in the year eighteen hundred and fifty-five, laying out Webb street, from Essex street to Bridge street, and Collins street from said Webb street to Barton street, and all subsequent acts of the city council, in relation to the laying out and locating of said streets, are hereby ratified and confirmed.

SECTION 3. This act shall take effect upon its passage.

Approved April 22, 1869.

AN ACT TO AUTHORIZE THE LAYING OUT OF STREETS IN SALEM.

[1872, Ch. 220.]

SECTION.
1. City council of Salem may lay out streets, to be completed when deemed expedient. Damages to be paid within one year.
2. When act takes effect.

City council of Salem may lay out streets, to be completed when deemed expedient.

SECTION 1. The board of aldermen of the city of Salem, with the concurrence of the common council of said city, may, subject to all provisions of general law, except as is herein otherwise provided, lay out such public ways and

streets in said city as they, in their judgment, shall deem to be for the common convenience and benefit of the inhabitants of said city; which ways and streets the said city shall not be obliged to complete sooner than the board of aldermen deem it expedient so to do, but shall pay all damages therefor within one year from the laying out of the same.

Damages to be paid within one year.

When act takes effect.

SECTION 2. This act shall take effect upon its passage.

Approved April 17, 1872.

AN ACT TO AUTHORIZE THE CITY OF SALEM TO CONSTRUCT A STREET OVER SOUTH RIVER.

[1872, Ch. 373.]

SECTION.
1. Order of city council laying out a street in Salem, ratified and confirmed.
2. May fill up bed of the river.
3. Compensation to the commonwealth to be determined by governor and council.
4. When act takes effect.

Order of city council laying out a street in Salem, ratified and confirmed.

SECTION 1. The order of the city council of Salem, passed November eleventh, in the year eighteen hundred seventy-two, laying out a street as a continuation of Washington Street across South River to Mill Street, is hereby ratified and confirmed; and said city may build and construct a street across said river, in accordance with the provisions of said order.

SECTION 2. Said city may fill up so much of the bed of said river as lies westerly of said proposed street, provided a culvert, satisfactory to the board of harbor commissioners, is constructed, to allow the flow of water to and from the mill-pond. May fill up bed of the river.

SECTION 3. The city of Salem shall make such compensation to the commonwealth for the rights and privileges hereby acquired as the governor and council shall determine to be just and equitable. Compensation to the commonwealth to be determined by governor and council.

SECTION 4. This act shall take effect upon its passage. When act takes effect.

Approved Dec. 16, 1872.

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*AN ACT TO AUTHORIZE THE CITY OF SALEM TO TAKE CERTAIN TIDE-WATER LANDS FOR STREETS AND FOR THE PRESERVATION OF THE PUBLIC HEALTH IN SAID CITY.

[1886, Ch. 324.]

SECTION.
1. May take lands for extending and widening streets, and for abatement of nuisance.
2. To have recorded in registry of deeds a description of the lands, etc., taken. Lands and flats taken, to vest in the city.
3. Settlement of damages.
4. May fill and improve lands, etc. May dispose of land not needed for public uses.
5. Discontinuance of draw in bridge.
6. Subject to provisions of P. S. 19.
7. Subject to acceptance by city council.

SECTION 1. For the purpose of extending Derby street and May take

*Accepted by city council August 10, 1886.

lands for extending and widening streets, and for abatement of nuisance.

widening Lafayette street in the city of Salem, and of abating and preventing any nuisance which now exists, or which may result from such extension or widening, in the South river in said city, or in Bowker's dock, so called, on the easterly side of said Lafayette street, the said city may, from time to time, acquire by purchase or take any or all of the lands and flats lying in said river between said Lafayette street and Washington street, or lying in said dock, and so much of the lands and flats lying in said river easterly of said Lafayette street, as may be necessary or convenient for the extension and widening aforesaid, or as may lie northerly of said Derby street when extended.

To have recorded in registry of deeds a description of the lands, etc, taken.

SECTION 2. The said city shall file from time to time in the registry of deeds for the southern district of the county of Essex, and cause to be recorded therein, a description of any lands or flats taken as aforesaid, as certain as is required in an ordinary conveyance of land, with a statement signed by the mayor of said city that the same are taken in the name and behalf of said city under the provisions of this act; and the act and time of the filing thereof shall be deemed to be the act and time of the taking of such lands or flats, and to be sufficient notice to all persons that the same have been so taken. The title to all lands and flats so taken shall vest absolutely in said city and its assigns forever.

Lands and flats taken, to vest in the city.

Settlement of damages.

SECTION 3. The said city shall have full power to settle by agreement or arbitration the amount of damages sustained by any person in his property by reason of the taking of any lands or flats as aforesaid; and, if not so settled, the same

may be assessed by a jury at the bar of the superior court for said county of Essex, upon petition to be filed by such person at any time within one year after such taking, and not afterwards. The provisions of sections sixty-five, sixty-six and seventy-six of chapter one hundred and sixty-seven of the Public Statutes shall apply to any such proceeding; and the rights of persons having different, separate or contingent interests or estates in any parcel of lands or flats so taken, shall be the same, in respect to the disposition of the damages agreed upon or awarded as aforesaid, as are provided by law in respect to damages for land taken for highways.

May fill and improve lands, etc.

SECTION 4. The said city may from time to time fill with suitable material and otherwise improve any lands and flats acquired or taken as aforesaid, or any portion thereof, and shall abate any nuisance existing or arising thereon, and may lay out and extend said Derby street and widen said Lafayette street upon and over the same and across said South river, and may sell and convey, or otherwise dispose of any portions of said lands and flats not required for public uses.

May dispose of land not needed for public uses.

Discontinuance of draw in bridge.

SECTION 5. After the said city has acquired or taken as aforesaid all the lands and flats in said South river between said Lafayette and Washington streets which when flowed by water afford access to or are used for laying vessels at existing wharves, said city may discontinue the draw in the bridge by which said Lafayette street crosses said river; and, after said city has so acquired or taken all such lands and flats between said Derby street extended and said Washington street, it may construct and maintain without a draw the bridge by which said Derby street shall cross said river.

Subject to provisions of P. S. 19.

SECTION 6. All things done under the authority of this act in and over tide-water, shall be subject to the provisions of chapter nineteen of the Public Statutes.

Subject to acceptance by city council.

SECTION 7. This act shall take effect when accepted by the city council of said city.

Approved June 24, 1886.

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*AN ACT TO AUTHORIZE THE CITY OF SALEM TO ASSESS BETTERMENTS FOR WORK TO BE DONE UNDER CHAPTER THREE HUNDRED AND TWENTY-FOUR OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND EIGHTY-SIX.

[1887, Ch. 409.]

SECTION.	SECTION.
1. City of Salem may assess betterments resulting from filling of flats, etc.	2. Provisions of P. S. 51 to apply.
	3. Subject to acceptance by the city council within three months.

City of Salem may assess betterments resulting from filling of flats, etc.

SECTION 1. In taking lands and flats under the authority of chapter three hundred and twenty-four of the acts of the year eighteen hundred and eighty-six, for the purposes named in said chapter, the city of Salem may proceed according to the provisions of chapter fifty-one of the Public Statutes and may assess betterments resulting not only from the laying out, alteration, widening, grading or discontinuance of streets, but also from the filling of flats and improvement of lands so

*Accepted by city council July 30, 1887.

taken; but in estimating the cost of such laying out, alteration, widening, grading or discontinuance, and of such filling and improvement of flats and lands there shall be first deducted therefrom all sums received from the sale of lands so taken whether filled or improved or not, and the value, as estimated by the board of aldermen of said city, of any lands so taken whether filled or improved or not, which have not at the time of such assessment been sold, and which said city does not retain for public use; but the estimate of said board of the value of lands not then sold and not retained for public use shall be subject to revision as other acts of said board may be under this act; and one-half of the balance of such cost may be assessed as betterments as aforesaid.

Provisions of P. S. 51 to apply.

SECTION 2. All the work and improvements provided for in said chapter three hundred and twenty-four shall be held to be completed at such time within three years after the passage of this act as said board of aldermen may by vote determine; and the provisions of chapter fifty-one of the Public Statutes shall apply to assessments of betterments made under this act; but this act shall not prevent any assessment of betterments which might have been made if this act had not been passed.

Subject to acceptance by city council within three months.

SECTION 3. This act shall take effect upon its acceptance by the city council of said city, at any time within six months from its passage.

Approved June 13, 1887.

*AN ACT TO AUTHORIZE THE CITY OF SALEM TO TAKE CERTAIN LANDS IN SOUTH RIVER FOR THE LAYING OUT OF STREETS AND FOR THE PRESERVATION OF THE PUBLIC HEALTH IN SAID CITY.

[1889, Ch. 441.]

SECTION.
1. May take lands and flats in South river.
2. To cause to be recorded in registry of deeds a description of lands, etc., taken. Title to vest in the city.
3. Settlement of damages.
4. May fill lands and flats with suitable material.
5. Subject to provisions of P. S. 19.
6. To take effect upon acceptance.

May take lands and flats in South river.

SECTION 1. The city of Salem, for the purpose of laying out streets or ways therein and of abating or preventing any nuisance in the South river, so called, in said city, may from time to time acquire by purchase or take any or all of the lands and flats in said city lying or included in said South river easterly of the location of the Eastern Railroad Company and between Mill and Cedar streets.

To cause to be recorded in registry of deeds a description of lands, etc., taken.

SECTION 2. The said city shall cause to be recorded in the registry of deeds for the southern district of the county of Essex a description of any lands or flats taken under this act as certain as is required in an ordinary conveyance of land, with a statement signed by the mayor of said city that the same are taken in the name and behalf of said city under the provisions hereof; and the recording of such description and statement shall be deemed to be the taking of such lands or flats and to be sufficient notice to all persons that the

*Accepted by city council September 11, 1889.

same have been so taken. The title to all lands and flats so taken shall thereupon vest absolutely in said city. Title to vest in the city.

SECTION 3. The said city shall have full power to settle by agreement or arbitration the amount of damages sustained by any person in his property by reason of the taking of any lands or flats as aforesaid; and if not so settled the same may be assessed by a jury at the bar of the superior court for said county of Essex upon petition to be filed by such person at any time within two years after such taking, and not afterwards. The provisions of sections sixty-five, sixty-six and seventy-six of chapter one hundred and sixty-seven of the Public Statutes shall apply to any such proceeding; and the rights of persons having different, separate or contingent interests or estates in any parcel of lands or flats so taken shall be the same, in respect to the disposition of the damages agreed upon or awarded as aforesaid, as are provided by law in respect to damages for land taken for highways. Settlement of damages.

SECTION 4. The said city may from time to time fill with suitable material and otherwise improve any lands or flats acquired or taken as aforesaid or any portion thereof, and shall abate any nuisance existing or arising thereon, and may lay out any streets or ways upon and over the same, and may sell and convey or otherwise dispose of any portion of said lands and flats not required for public uses. May fill lands and flats with suitable material.

SECTION 5. All things done under the authority of this act in and over tide-water shall be subject to the provisions of chapter nineteen of the Public Statutes. Subject to provisions of P. S. 19.

To take effect upon acceptance.

SECTION 6. This act shall take effect when accepted by the city council of said city.

Approved June 7, 1889.

AN ACT TO PROVIDE FOR THE APPORTIONMENT OF THE EXPENSE OF CONSTRUCTING A CERTAIN HIGHWAY IN THE CITY OF SALEM AND TOWN OF PEABODY.

[1891 Ch. 202.]

SECTION.
1. Apportionment of expense of constructing a highway in city of Salem and town of Peabody.

Apportionment of expense of constructing a highway in city of Salem and town of Peabody.

SECTION 1. In case the county commissioners of the county of Essex shall lay out a highway from Grove street in the city of Salem to Walnut street in the town of Peabody, under the authority of chapter fifty-four of the acts of the year eighteen hundred and ninety, and shall require said city and town to construct said way, said county commissioners shall, within one year after the construction of said way shall have been completed and upon a hearing of which reasonable notice shall be given to said city and town, determine the amount of expense, including land damages, incurred in the construction of said way, specifying separately the portion thereof incurred by said city and the portion thereof incurred by said town. Upon making such determination said county commissioners shall at once give notice thereof, stating the

amounts determined, to said city and to said town; and thereupon there shall be paid from the treasury of said county to said city and town one-third of the amount of the expenses of each respectively according to said determination, and said city and town shall respectively appropriate and reimburse each to the other one-third of the expenses incurred by the latter according to said determination. If within one year from the time of said determination either said city, said town or said county shall fail to make any payment hereby required, the town or city to which said payment is hereby required to be made, may recover the same from the delinquent city, town or county in an action of contract.

SECTION 2. This act shall take effect upon its passage.

Approved April 17, 1891.

*AN ACT FOR SUPPLYING THE CITY OF SALEM WITH PURE WATER.

[1864, Ch. 268.]

SECTION.
1. City of Salem may take certain waters and water-rights in Wenham and Beverly. Marginal and other lands.
2. May take certain waters and water-rights in South Danvers and Salem. Land necessary for erection of dams, reservoirs, etc. Franchise of Salem and Danvers aqueduct.
3. Mayor shall file description of lands taken.
4. City may build and maintain aqueducts, dams, reservoirs, fountains and hydrants. Distribution and use of waters. Extension of pipes. City may lay pipes in streets.
5. Streets taken up beyond limits of city. Public safety and convenience assured. Indemnity to towns. Proviso.
6. Towns may require insertion of hydrants in streets taken up. Expense.
7. City council shall appoint commissioners. Duties of commissioners. Terms of office. Removal. Vacancies. Quorum. Report to be semi-annual.
8. Salaries of commissioners.
SECTION.
9. Upon expiration of commission, powers and duties to vest in city.
10. Liability of city for land and water damages. How assessed and paid in case of disagreement.
11. Applications for assessments of damages, when to be made.
12. City may issue water scrip. Amount. Interest. May sell or pledge.
13. Water rates. Sinking fund. Trustees of fund.
14. Occupant of tenement liable for water rent. Owners liability.
15. Location of main pipe. Use of water by towns on line of works.
16. Illegal use of water. Provisos.
17. Penalty for malicious diversion or corruption of water or destruction of works.
18. City may purchase and connect with Salem and Danvers aqueduct.
19. Act void unless approved by voters.
20. Capacity and sufficiency of water-sources to be tested. Shall be determined by joint ballot of council.

City of Salem may take certain waters and water-rights in Wenham and Beverly. 1870, c. 93. 1871, c. 192.

SECTION 1. The city of Salem, for the purpose of supplying the inhabitants thereof with pure water, is hereby authorized to take, hold and convey to, into and through said city, the waters of Wenham Pond, so called, in the towns of Wenham and Beverly, and the waters which flow into and from the same, and any water-rights connected therewith and may take and hold by purchase or otherwise, such land on and around the margin of said pond, not exceeding five

*Approved by voters December 5, 1864; Yes, 1623; No, 151.

rods in width, as may be necessary for the preservation and purity of said waters; and may also take and hold, in like manner, such lands as may be necessary for erecting and maintaining dams and reservoirs, and for laying and maintaining conduits, pipes, drains and other works, for collecting, conducting and distributing said waters through said city.

Marginal and other lands.

SECTION 2. (R) [Said city for the purpose aforesaid, may take, hold and convey to, into and through said city, the waters of Brown's Pond and Mineral Spring Pond, so called, in the town of South Danvers and city of Salem, and the waters which flow into and from the same, and any other ponds, streams, fountains or springs within a distance of five rods from said Mineral Spring Pond, or upon the grounds of the proprietors of the Salem and Danvers aqueduct, and all water-rights connected therewith, and may take and hold, by purchase or otherwise, such land on and around the margin of the ponds and water-sources aforesaid, or not more than five hundred feet distant therefrom, as may be necessary for the preservation and purity of said waters; and may also take and hold, in like manner, such land as may be necessary for erecting and maintaining dams and reservoirs, and for laying and maintaining conduits, pipes, drains and other works, for collecting, conducting and distributing said waters through said city. If said city takes the ponds or other water-sources mentioned in this section, it shall also take, by purchase or otherwise, all the franchise, rights and property of the proprietors of the Salem and Danvers aqueduct.]

May take certain waters and water-rights in South Danvers and Salem. (R) Repealed, 1871, c. 192, § 2.

Land necessary for erection of dams, reservoirs, etc.

Franchise of Salem and Danvers aqueduct.

Mayor shall file description of lands taken.

SECTION 3. The mayor of said city, within sixty days after the taking of any of the lands or water-sources aforesaid, shall file in the registry of deeds for the county of Essex, a description thereof, sufficiently accurate for identifying the same.

City may build and maintain aqueducts.

SECTION 4. Said city, for the purposes aforesaid, may build aqueducts from any of the aforesaid sources, and maintain the same by any works suitable therefor; may connect any or all of said sources with each other; may provide and maintain suitable machinery for raising the water above the source of supply; may erect such structures as are necessary for preserving the works; may erect and maintain dams; may make and maintain suitable reservoirs; may make and establish such public fountains and hydrants, as are, from time to time, deemed proper, and may change or discontinue the same; may distribute the water throughout said city; may regulate the use of the water within and without said city, and establish the rates to be paid therefor. Said city may also, for the purposes aforesaid, carry its pipes and other works over or under any water-course, street, railroad, highway or other way in such manner as not to obstruct the same; and may enter upon and dig up such road, street or way, for the purpose of laying down, maintaining and repairing its pipes and other works, and may do any other acts or things necessary and proper in executing the purposes of this act.

Dams, reservoirs, fountains, and hydrants.

Distribution and use of waters.

Extension of pipes.

City may lay pipes in streets.

Streets taken up beyond limits of city. 1877, c. 143, § 1.

SECTION 5. If said city enters upon and digs up, for the purposes aforesaid, any road, street or way without its own

limits, it shall do the same under the direction of the selectmen of the town in which such road, street or way is located, and shall restore such road, street or way to as good order and condition as it was in before such digging was commenced; and the work shall be done in such manner, and with such care, as not to render any road, street or way, in which said pipes are laid, unsafe or unnecessarily inconvenient to the public travel thereon. Said city shall at all times save harmless and indemnify any town which is liable to keep in repair any road, street or way aforesaid, against all damages which may be recovered against it, and shall reimburse to it all expenses which it shall reasonably incur, by reason of any defect or want of repair in such road, street or way caused by the maintenance, repairing or replacing of said pipes, or by reason of any injury to persons or property caused by any defect or want of repair in said pipes: *provided*, said city has notice of any claim or suit for such damage or injury, and an opportunity to assume the defence thereof.

Public safety and convenience assured.

Indemnity to towns.

Proviso.

SECTION 6. Any town, under whose roads, streets or ways said city lays its aqueduct or main pipe, may require said city to insert therein proper hydrants, at points not less than five hundered feet apart, to be used for the purpose of extinguishing fires, and for no other purpose. The expense of inserting said hydrants and keeping the same in repair, shall be paid by such town.

Towns may require insertion of hydrants in streets taken up. 1877, c. 143, § 2.

Expense.

SECTION 7. Three commissioners shall be appointed by the city council, by joint ballot of both branches thereof, who

City council shall appoint commissioners.

Duties of commissioners.

shall, during their continuance in office, execute, superintend and direct the performance of all the works, matters and things mentioned in the preceding sections, which are not otherwise specifically provided for in this act; and shall be subject to such ordinances, rules and regulations, in the execution of their said trust, as the city council may, from time to time, ordain and establish, not inconsistent with the provisions of law. They shall respectively hold office for

Terms of office.

the term of three years next after their appointment, unless the works aforesaid are sooner completed, but they or either of them, after having had an opportunity to be heard in

Removal.

defence, may be removed at any time by a concurrent vote of two-thirds of each branch of the city council; and in case

Vacancies.

of a vacancy in the board of commissioners, by death, resignation or removal, such vacancy shall be filled by the appointment of another commissioner, who shall hold his office for the residue of the said term of three years, with all the powers and under all the restrictions aforesaid. A major

Quorum.

part of said commissioners shall be a quorum for the exercise of the powers and the performance of the duties of the said

Report to be semi-annual.

office. They shall, once in six months, and whenever required by the city council, make and present in writing a particular report and statement of all their acts and proceedings, and of the condition and progress of the works aforesaid.

Salaries of commissioners.

SECTION 8. The city council, before the appointment of said commissioners, shall establish and fix the salaries or compensation to be paid them for their services, which shall not be reduced during their continuance respectively in said office.

SECTION 9. (R) [Whenever the office of said commissioners shall cease, either by the expiration of said term of three years from the original appointment, or by the completion of the works aforesaid, all the rights, powers and authority, given to the city of Salem by this act, shall be exercised by said city, subject to all the duties, liabilities and restrictions herein contained, in such manner, and by such agents, officers and servants, as the city council shall, from time to time, ordain, appoint and direct.]

(R) Repealed, 1868. c. 72, § 5.

Upon expiration of commission, powers and duties to vest in city.

SECTION 10. Said city shall be liable to pay all damages sustained by any persons or corporations, by the taking of any land, water, water-rights, franchises or property, or by the constructing of any aqueducts, reservoirs or other works, for the purposes aforesaid. If any person or corporation, sustaining damages as aforesaid, cannot agree with said commissioners upon the amount of said damages, he may have them assessed and paid in the same manner, as is provided by law, with respect to land taken for highways.

Liability of city for land and water damages.

How assessed and paid in case of disagreement.

SECTION 11. No application shall be made to the county commissioners for the assessment of damages for the taking of any water-rights, until the water is actually withdrawn or diverted by said city. Any person or corporation whose water-rights are thus taken or affected may apply as aforesaid at any time within one year from the time when the water is first actually withdrawn or diverted.

Applications for assessments of damages, when to be made.

SECTION 12. For the purpose of defraying the cost of such franchises, property, lands, water and water-rights, as

City may issue water scrip.

1866, c. 258. 1868, c. 72.

are taken, purchased or held, for the purposes aforesaid, and of constructing the works, necessary and proper, for the accomplishment of said purposes, and paying all expenses incident thereto, the city council shall have authority to issue scrip, bonds, or certificates of debt, to be denominated on the face thereof, "City of Salem Water Loan," to an amount not exceeding in the whole, the sum of five hundred thousand dollars, bearing interest at a rate not exceeding six per cent. per annum, said interest to be payable semi-annually, and the principal to be payable at periods not more than fifty years from the time of issuing said scrip, notes, bonds or certificates respectively. Said city council may sell the same, or any part thereof, from time to time, or pledge the same for money borrowed for the purposes aforesaid; (R) [but the same shall not be sold or pledged at less than the par value thereof.]

Amount.

Interest.

May sell or pledge.

(R) Repealed, 1867, c. 187.

Water rates.

SECTION 13. The city council shall establish such price or rents to be paid for the use of the water, as to provide annually, if practicable, from the net income and receipts therefor, for the payment of the interest, and not less than one per cent. of the principal of the "City of Salem Water Loan" and shall determine the manner of collecting the same. The net surplus income and receipts, after deducting all expenses and charges of distribution, shall be set apart as a sinking fund, and applied solely to the payment of the principal and interest of said loan, until the same is fully paid and discharged. The mayor, city treasurer, and president of the common council, for the time being, shall be trustees of said fund, and shall, whenever required by the

Sinking fund.

Trustees of fund.

city council, render an account of all their doings in relation thereto.

Occupant of tenement liable for water rent. Owner's liability.

SECTION 14. The occupant of any tenement shall be liable for the payment of the rent for the use of the water in such tenement; and the owner thereof shall be also liable, if on being notified of such use, he does not object thereto.

Location of main pipe. 1877, c. 143, § 1.

SECTION 15. If said city takes the water from the sources mentioned in the first section of this act, it shall lay its aqueduct or main pipe for conducting the same to said city, by some convenient route through the town of Beverly.

Use of water by towns on line of works. 1869, c. 380, §§ 1 to 3.

The inhabitants of any town upon the line of the works authorized by this act, upon the application of its board of selectmen, shall be entitled to the reasonable use of the water, upon paying an equitable compensation therefor; which, in case of difference, shall be determined by three commissioners, to be appointed by the supreme judicial court, upon application of either party, and notice to the other; whose award when accepted by said court shall be binding upon the parties for the term of five years.

Illegal use of water.

SECTION 16. If any person shall use any of the said water, either within or without said city, without the consent of said city, an action of tort may be maintained by said city for the recovery of the damage sustained: *provided*, that nothing herein contained shall be construed to prevent the abutters on Wenham Pond from entering thereon during the winter season, with men and horses and the proper implements, for the purpose of preparing, cutting and securing

Proviso.

Proviso. 1871, c. 192, § 1.

ice, in the manner heretofore practiced; and *provided, also*, that if said city takes the water from the sources mentioned in the second section of this act, it shall allow to the owners and occupants of the manufacturing establishments on Goldthwait's Brook, in South Danvers, the same supply of water for manufacturing and other purposes from said sources which they now have; and the rights conferred on said city, by this act, shall not be so exercised as to impair or injure the water-rights and privileges of the owners and occupants aforesaid, as the same now are and heretofore have been used and enjoyed.

Penalty for malicious diversion or corruption of water or destruction of works.

SECTION 17. Whoever wantonly or maliciously diverts the water, or any part thereof, of any of the ponds, springs, streams or sources of water, taken or held by said city, pursuant to the provisions of this act, or corrupts the same, or renders it impure, or destroys or injures any dam, aqueduct, pipe, conduit, hydrant, machinery or other works or property, held, owned or used, by said city, under the authority and for the purposes of this act, shall forfeit and pay to said city, three times the amount of the damages assessed therefor, to be recovered in an action of tort; and on conviction of either of the wanton or malicious acts aforesaid, may also be punished by fine, not exceeding three hundred dollars, or by imprisonment, not exceeding one year.

City may purchase and connect with Salem and Danvers aqueduct. (R) Repealed, 1871, c. 192, § 2.

SECTION 18. (R) [Said city is hereby authorized to purchase all the franchise, rights and property of the proprietors of the Salem and Danvers aqueduct, and may, by any convenient mode, connect the sources and works so purchased with its other sources and works.]

Act void unless approved by voters.

SECTION 19. This act shall be void, unless submitted to and approved by, a majority of the voters of said city present and voting, at meetings held simultaneously for the purpose, in the several wards, on the first Monday of December next, upon notice duly given, at least seven days before the time of holding said meetings.

[Approved Dec. 5, 1864.]

Capacity and sufficiency of water-sources to be tested.

SECTION 20. The city council shall cause careful investigations to be made by skilful engineers, as to the capacity and sufficiency of the sources mentioned in the first and second sections of this act respectively; and shall by joint ballot, at least fourteen days before said first Monday of December, determine the source or sources, from which, in the event of the acceptance of this act, said city shall take the water; and shall, forthwith, notify the inhabitants of said city of its decision, by publication in the newspapers of said city. In the event of the acceptance of this act, said city shall take the water only from the sources so determined upon by the city council.

Shall be determined by joint ballot of council.

SECTION 21. This act shall take effect upon its passage.

Approved May 13, 1864.

AN ACT IN ADDITION TO AN ACT FOR SUPPLYING THE CITY OF SALEM WITH PURE WATER.

[1866, Ch. 258.]

SECTION.
1. City may contract for payment of certain scrip and interest in coin.
SECTION.
2. Certain acts of city or its officers made valid.

City may contract for payment of certain scrip and interest in coin. 1864, c. 268, § 12.

SECTION 1. The city of Salem is hereby authorized to contract for the payment in coin, of the principal and interest of the scrip, bonds and certificates of debt, which said city is authorized to issue, by the twelfth section of chapter two hundred and sixty-eight of the acts of the year eighteen hundred and sixty-four.

Certain acts of city or its officers made valid.

SECTION 2. All acts and doings of said city or any officer thereof, having in contemplation the payment of such principal and interest in coin, are hereby confirmed and declared valid to all intents and purposes.

SECTION 3. This act shall take effect upon its passage.

Approved May 25, 1866.

AN ACT TO AUTHORIZE THE CITY OF SALEM TO USE ESSEX BRIDGE.

[1867, Ch. 163.]

SECTION.
1. May use free, to construct water-works of city. May change structure of bridge. Provisos: limitation of use. Damages to bridge Change of structure, agent to direct. Liability of city to state for damages during time.

May use free, to construct water-works of city.

SECTION 1. The city of Salem is hereby authorized to use the Essex bridge, so called, for purposes connected with the construction of the Salem water-works, free of charge, under the direction and control of the agent of said bridge, during the building and erection of suitable structures and

works for carrying, preserving and maintaining water-pipes across Bass River, so called, and over and under the water-course of the same, as authorized by an act entitled "An Act for supplying the city of Salem with pure water," approved the thirteenth day of May, in the year eighteen hundred and sixty-four; and to make such changes in the structure of said bridge and its appurtenances, as the construction of said works may require: *provided*, that nothing herein contained shall authorize said city to use said bridge or any appurtenance thereof, except during the construction of said water works; and *provided*, that any damage occurring to said bridge in the construction of said works, shall be repaired by said city of Salem, and any changes made in the structure of said bridge by said city of Salem, shall be made under the direction of the agent aforesaid, and at the expense of said city; and *provided, also*, that said city shall indemnify the commonwealth from any loss by reason of damage done to persons or property during or arising from the performance of the acts authorized or permitted by this act.

May change structure of bridge.

Provisos: limitation of use.

Damages to bridge.

Change of structure, agent to direct.

Liability of city to state for damages during time.

Approved April 24, 1867.

AN ACT TO AMEND AN ACT FOR SUPPLYING THE CITY OF SALEM WITH PURE WATER.

[1867, Ch. 187.]

SECTION.
1. Prohibition of sale of scrip, notes, bonds, etc., at less than par, repealed.

SECTION 1. So much of the twelfth section of chapter

Prohibition of sale of

scrip, notes, bonds, etc., at less than par, repealed. 1864, c. 268, § 12.

two hundred and sixty-eight of the acts of the year eighteen hundred and sixty-four as prohibits the sale or pledge of the scrip, notes, bonds or certificates in said section mentioned, at less than the par value thereof, is hereby repealed.

SECTION 2. This act shall take effect upon its passage.

Approved April 29, 1867.

AN ACT IN ADDITION TO AN ACT FOR SUPPLYING THE CITY OF SALEM WITH PURE WATER.

[1868, Ch. 72.]

SECTION.
1. City may issue $500,000 additional scrip or bonds, to be called "City of Salem Water Loan." Rate of interest.
2. Commissioners to be appointed. Term of office. Vacancies, how filled.
3. Salaries.
4. Upon expiration of office, city to exercise powers and appoint agents.
5. Repeal.

City may issue $500,000 additional scrip or bonds, to be called "City of Salem Water Loan." 1864, c. 268, § 12.

SECTION 1. In addition to the amount of scrip, bonds and certificates of debt authorized to be issued by the twelfth section of the act entitled "An Act for supplying the City of Salem with Pure Water," passed on the thirteenth day of May, in the year one thousand eight hundred and sixty-four, being chapter two hundred and sixty-eight of the acts of that year, the city council of the city of Salem are hereby authorized to issue, from time to time, scrip, bonds or certificates of debt to be denominated "City of Salem Water Loan," to an amount not exceeding in the whole of such addition, five hundred thousand dollars, for the purposes

mentioned in said section; the same to bear interest, payable semi-annually, at a rate not exceeding six per cent. per annum, and the principal to be payable at periods not more than fifty years from the time of issuing said scrip, bonds or certificates of debt, respectively. Said city council may sell the same, or any part thereof, from time to time, or pledge the same for money borrowed for the purposes aforesaid.

Rate of interest.

SECTION 2. Three commissioners shall be appointed by said city council, by joint ballot of both branches thereof, whose term of office shall commence at the expiration of the term of office of the present commissioners, and who shall have the same powers, and be under the same restrictions, as are specified in the seventh section of said act. They shall hold office for the term of two years next after their appointment, unless the water-works provided for by said act are sooner completed; and in case of a vacancy in said board of commissioners, by death, resignation or removal, such vacancy shall be filled by the appointment of another commissioner, who shall hold his office for the residue of said term, with the powers and under the restrictions aforesaid.

Commissioners to be appointed. 1864, c. 268, § 7.

Term of office.

Vacancies, how filled.

SECTION 3. The city council, before the appointment of said commissioners, shall establish and fix the salaries or compensation to be paid them for their services, which shall not be reduced during their continuance, respectively, in said office.

Salaries.

SECTION 4. Whenever the office of said commissioners shall cease, either by the expiration of said term of two years

Upon expiration of office, city to exer-

cise powers and appoint agents.

from the original appointment, or by the completion of the works aforesaid, all the rights, powers and authority given to the city of Salem by the said act of the year one thousand eight hundred and sixty-four, shall be exercised by said city, subject to all duties, liabilities and restrictions therein contained, in such manner and by such agents, officers and servants as the city council shall, from time to time, ordain, appoint and direct.

Repeal.

SECTION 5. Section nine of said act is hereby repealed.

SECTION 6. This act shall take effect upon its passage.

Approved March 19, 1868.

AN ACT IN ADDITION TO AN ACT FOR SUPPLYING THE CITY OF SALEM WITH PURE WATER.

[1868, Ch. 302.]

SECTION.
1. How pipes of aqueduct company may be cut, displaced, etc. Engineer of Boston water-works to decide. Record to be made.
2. Compensation of engineer, and by whom to be paid.
3. Damages to aqueduct company to be paid by city.
4. Preference of location not to be given to the city, etc.

How pipes of aqueduct company may be cut, displaced, etc.

SECTION 1. Whenever any exigency shall arise in which it shall become necessary, in the proper construction of the Salem water-works, at any particular place, to cut, remove or displace any pipe or pipes of the Salem and Danvers Aqueduct Company, application may be made to said com-

pany, through its superintendent, for permission to make such cutting, removal or displacement, accompanied with a specific description of what is proposed to be done, to which application an answer shall be returned by said company within three days; and in case of a refusal of permission, or in case no answer shall be returned within said three days, application may be made to the engineer of the Boston water-works, for the time being, who, after three day's notice to said Salem and Danvers Aqueduct Company, shall hear the parties and determine whether any and what change in the pipe or pipes of said Salem and Danvers Aqueduct Company at that place ought reasonably to be made, and the city of Salem is hereby authorized to make the change directed by said engineer; which direction shall be in writing signed by said engineer, recorded upon the records of the city water-works, and a duplicate original delivered to the superintendent of the Salem and Danvers Aqueduct Company at the same time that this direction is made known to said city.

Engineer of Boston water-works to decide.

Record to be made.

SECTION 2. Said engineer shall be allowed a reasonable compensation per day and his expenses, to be paid by said city of Salem; and in case the course prescribed by him shall be the same as that asked for, in behalf of the said Salem water-works, and the consent of said Salem and Danvers Aqueduct Company was unreasonably refused, said compensation and expenses may be recovered of the said Salem and Danvers Aqueduct Company, by the said city of Salem.

Compensation of engineer, and by whom to be paid.

SECTION 3. Said city shall be liable to pay all damages

Damages to

aqueduct company to be paid by city.

sustained by the said aqueduct company, and, if not agreed upon by the parties, shall be assessed and awarded by the said engineer; and in case said company shall be dissatisfied with said award, it may have said damages assessed and paid in the same manner as is provided by law with respect to land taken for highways.

Preference of location not to be given to the city, etc.

SECTION 4. Nothing in this act shall be construed to give any preference of location or otherwise to the city of Salem over the Salem and Danvers aqueduct, and in no case is the said engineer authorized to order to be cut, removed or displaced any pipes of the said Salem and Danvers Aqueduct Company, except when by reason of natural or artificial obstructions, the pipes of the said city cannot otherwise (at reasonable labor and expense) be laid; and in no case shall any pipe be so cut, displaced or removed in such manner as to prevent the free flow of water to any consumer of the Salem and Danvers Aqueduct Company for a longer space than twenty-four hours.

SECTION 5. This act shall take effect upon its passage.

Approved June 4, 1868.

AN ACT RELATING TO THE SALEM WATER-WORKS AND TO SUPPLYING THE INHABITANTS OF BEVERLY WITH WATER THEREFROM.

[1869, Ch. 380.]

SECTION.
1. Salem to supply Beverly with pure water. Proviso.
SECTION.
2. Salem and Beverly to agree upon terms, etc., for supply of water.

SECTION.
If agreement is not made, Beverly may erect and maintain structures, etc. Proviso.
3. Compensation for use of water, how determined.
4. Remedies if superintendent of works fails to direct connection of pipes. Compensation of engineer. Expenses, by whom paid.
5. Pipes may be carried across Bass River when Commissioners lay out highway and build bridge there. If commissioners do not build bridge this year Beverly may do it.
6. Beverly may raise money by loan or taxation.

Salem to supply Beverly with pure water. 1864, c. 268, § 15. 1877, c. 143, § 2.

SECTION 1. In order readily to supply the inhabitants of the town of Beverly with water, under the provisions of section fifteen of chapter two hundred and sixty-eight of the acts of the year eighteen hundred and sixty-four, the city of Salem is hereby granted any additional authority necessary to lay, construct and maintain within the limits of said town, pipes, aqueducts or other structures in connection with the water-works of said city, and to distribute and supply water therefrom to the inhabitants throughout said town, or in any part thereof, upon the application of the selectmen of said town from time to time, in the same manner as it may throughout said city. And for this purpose said city may carry its pipes over or under any water-course, street, railroad, highway, or other way within said town, in such manner as not to obstruct the same; and may enter upon and dig up such roads, streets or ways for the purpose of laying down, maintaining and repairing its pipes or other structures, and may do any other acts necessary and proper in executing the purposes of this act: *provided*, that if said city shall thus lay pipes in said town, it shall have the same control over said pipes and may regulate the use of the water within said town, and establish the rates to be paid therefor, in the same manner as it exercises such authority within its own limits.

Proviso.

SECTION 2. The town of Beverly is hereby authorized to

Salem and

Beverly to agree upon terms, etc., for supply of water. If agreement is not made, Beverly may erect and maintain structures, etc. 1864, c. 268, § 15.

make such agreement with the city of Salem, for supplying the inhabitants of said town with water, as can be mutually determined. And in case said town shall not, before the twentieth day of June of the present year, agree with said city as to the laying of pipes for such supply, then said town may erect and maintain within its own limits, such works and structures in connection with the water-works of the city of Salem, as may be requisite for the distribution and supply of water from said works to the inhabitants of said town. And for this purpose said town may, from time to time, lay, construct and maintain pipes or other structures in, over or under any of the streets, roads or ways within its limits, and connect the same with any or all of the branches already inserted into the main supply-pipe of said Salem water-works upon the line of Cabot and Rantoul Streets in said town of Beverly, or at any other point that may be mutually agreed upon: *provided*, that said connections shall be made under the immediate supervision of the engineer or superintendent of the Salem water-works, and in accordance with his reasonable directions; and said pipes shall at all times be subject to the reasonable supervison and control of said city, which shall also have the right to regulate the use of the water in said town by the inhabitants thereof; but no more stringent regulation in regard to such use shall be imposed upon the inhabitants of said town at any time, than are imposed upon the inhabitants of said city. And for the purposes aforesaid, said town may carry its pipes over or under any water-course, street, railroad, highway, or other way in such manner as not to obstruct the same; and may enter upon and dig up such road, street or way, for the pur-

Proviso.

pose of laying down, maintaining and repairing its pipes, and may do any other acts or things necessary and proper in executing the purposes of this act.

Compensation for use of water, how determined. 1864, c. 268, § 15.

SECTION 3. Said city and the inhabitants of said town may make any agreement as to the equitable compensation to be paid for the use of water as aforesaid; which, in case of difference, shall be determined by three commissioners, to be appointed by the supreme judicial court, upon application of either party and notice to the other, whose award, when accepted by the court, shall be binding upon the parties for the term of five years, according to the provisions of section fifteen of chapter two hundred and sixty-eight of the acts of the year eighteen hundred and sixty-eight [four.]

Error in the Act.

Remedies if superintendent of works fails to direct connection of pipes.

SECTION 4. In case the superintendent of the Salem water works shall neglect or refuse to give reasonable directions in reference to the connection of the pipes laid by the town of Beverly, with the branches of the main supply-pipe of the Salem water-works, or at any other point that may have been mutually agreed upon, the said town of Beverly may make application through its selectmen to the city of Salem, for such directions in reference to making said connections, as may be desired, which application shall contain a specific description of what is proposed to be done; and in case said city shall refuse to give such directions within three days, or in case no answer shall be returned within said three days, application may be made to the engineer of the Boston water-works for the time being, who after three days' notice to the city of Salem, shall hear the parties and determine whether

the directions requested by said town of Beverly, in reference to the making of such connections, are reasonable; and in case he shall find that they are reasonable, the city of Salem shall be required to make such connection in accordance with such directions. Said engineer shall be allowed a reasonable compensation per day and his expenses, to be paid by the town of Beverly, and in case he shall find that the directions applied for are reasonable, said compensation and expenses may be recovered by the town of Beverly of the city of Salem.

Compensation of engineer.

Expenses, by whom paid.

Pipes may be carried across Bass River when commissioners lay out highway and build bridge there.

If commissioners do not build bridge this year Beverly may do it.

SECTION 5. Whenever the county commissioners of the county of Essex shall, under the provisions of chapter two hundred and sixty-eight of the acts of the year eighteen hundred and fifty-six, lay out a highway and cause to be built a bridge across Bass River in the town of Beverly, then for the purpose of supplying water to its inhabitants westerly of said river, the said town may in connection with said bridge erect suitable structures and works for carrying, preserving and maintaining water-pipes across said river and over or under the water-course of the same. And in case said commissioners shall not, during the present year, lay out said highway and bridge, then the selectmen of said town of Beverly, upon proceedings had as in the case of town ways, may lay out a town way and bridge within the limits and upon the conditions specified in said chapter as to a highway and bridge, subject to the acceptance of said town; and said town may then erect and maintain in connection with such bridge, similar works to those herein authorized, in case the same is laid out by the county commissioners as aforesaid.

SECTION 6. The town of Beverly is hereby authorized to raise by loan or by taxation, any and all sums of money which may be necessary to enable said town fully to carry out the authority granted to it by this act.

Beverly may raise money by loan or taxation.

SECTION 7. This act shall take effect upon its passage.

Approved June 12, 1869.

AN ACT FOR SUPPLYING THE CITY OF LYNN WITH PURE WATER.

[1869, Ch. 462.]

Acts 1869, chap. 462, authorizes the city of Lynn, by agreement and arrangement with the city of Salem, to connect water-pipes with the water-works of the city of Salem, and through the same to take and use the waters of Wenham Pond.

AN ACT CONCERNING THE PURCHASE OF WATER RIGHTS BY THE CITY OF SALEM.

[1871, Ch. 192.]

SECTION.
1. Provisions of 1870, c. 93 made applicable to city of Salem.
SECTION.
2. Repeal.
3. When act takes effect.

SECTION 1. The provisions of chapter ninety-three of the acts of the year eighteen hundred and seventy, are hereby

Provisions of 1870, 93, made appli-

cable to city of Salem. 1864, c. 268.

made applicable to the city of Salem, anything in chapter two hundred and sixty-eight of the acts of the year eighteen hundred and sixty-four to the contrary notwithstanding, but nothing in this act shall in any way annul or impair the rights and privileges of the owners and occupants of the manufacturing establishments on Goldthwait's Brook in Peabody, as provided for in section sixteen of said chapter two hundred and sixty-eight.

1864, c. 268, § 16.

Repeal.

SECTION 2. Sections two and eighteen of chapter two hundred and sixty-eight of the acts of the year eighteen hundred and sixty-four are hereby repealed.

When act takes effect.

SECTION 3. This act shall take effect upon its passage.

Approved April 14, 1871.

AN ACT IN ADDITION TO AN ACT FOR SUPPLYING THE CITY OF SALEM WITH PURE WATER.

[1877, Ch. 143.]

SECTION.
1. City of Salem may lay water-pipes through Beverly, Danvers and Peabody. Proviso.
2. Towns may require hydrants to be inserted for extinguishing fires. Hydrants to be kept in repair by the towns.
3. City may contract with towns for laying pipes, and towns may contract for water.

City of Salem may lay water-pipes through Beverly, Danvers

SECTION 1. The city of Salem, for the purpose of more conveniently supplying its inhabitants with pure water, is hereby authorized to lay a water-pipe, commencing at a point

of connection with the present pipes of the city of Salem, in the town of Beverly, and thence through the streets of the towns of Beverly, Danvers, and through Margin street in the town of Peabody, to a point of junction with pipes already laid in Salem: *provided*, that the said city shall be subject to all the duties and liabilities set forth in section five of chapter two hundred and sixty-eight of the acts of the year eighteen hundred and sixty-four. and Peabody. Proviso. 1864, c. 268, § 5.

SECTION 2. In case said pipes shall be so laid, said towns or either of them may require said city to insert therein proper hydrants at points not less than five hundred feet apart, to be used for the purpose of extinguishing fires, and for no other purpose; the expense of inserting said hydrants and keeping the same in repair to be paid by said towns respectively; and the town of Beverly shall have the right to connect its main eight-inch pipe with said pipe at the junction of Cabot and Conant streets in said Beverly, and to make connections at such other points as may be agreed upon; said connections to be made in accordance with the provisions and subject to the restrictions named in chapter three hundred and eighty of the acts of the year eighteen hundred and sixty-nine. Towns may require hydrants to be inserted for extinguishing fires. Hydrants to be kept in repair by the towns. 1869, c. 380.

SECTION 3. Said city of Salem is authorized to contract with either or all of said towns, and said towns or either of them are authorized to contract with each other, for the laying of said pipe or any part thereof, and said towns of Danvers and Peabody or either of them are authorized to contract with said city for the furnishing of water to said towns City may contract with towns for laying pipes, and towns may contract for water.

or either of them, or to the inhabitants thereof, subject to the restrictions named and with all the powers granted in "An Act to authorize cities and towns to purchase water-rights," passed upon the nineteenth day of March in the year of our Lord one thousand eight hundred and seventy, and being chapter ninety-third of the acts of that year.

Approved April 20, 1877.

AN ACT TO AUTHORIZE THE CITY OF SALEM TO CONSTRUCT, LAY AND MAINTAIN A NEW WATER MAIN.

[1885, Ch. 295.]

SECTION.

1. Salem may construct a new water-main.
2. May take land, etc. May lay down pipe under or over water-courses, lands, etc.
3. To record in registry of deeds a description of land, etc., taken.
4. Liability for damages.
5. City of Salem Water Loan of 1885, not to exceed $150,000.— Sinking fund to be established.
6. May make annual proportionate payments instead of establishing fund.
7. Return required to state amount of sinking fund, etc.
8. To raise by taxation sufficient for current expenses and interest.
9. Town of Beverly not to connect with pipe authorized by this act.

Salem may construct a new water main.

SECTION 1. The city of Salem, for the purpose of more conveniently supplying itself and its inhabitants with water, is hereby authorized to construct, lay and maintain a main water pipe commencing at the reservoir now used by said city near Wenham pond in the town of Beverly, thence following the natural valley and crossing the tide waters known as the Essex Branch, thence to Liberty Hill road in said Salem, thence through and along said road and

North street to a point of junction with the water pipes of said city already laid therein.

May take land, etc.

SECTION 2. The said city for the purposes aforesaid may take, by purchase or otherwise, and hold such lands, flats, rights of way, water-rights or easements, as may be necessary or convenient for constructing, laying and maintaining such main water pipe; and may construct and lay down such water pipe and other necessary works under or over any lands, water courses, railroads, or public or private ways, and along any such way, in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such water pipe and other works, and for all proper purposes of this act, said city may dig up any such lands, and, under the direction of the board of selectmen of the town in which any such ways are situated, may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel on such ways. The said water pipe may be laid in or under the tide waters of said Essex branch in any convenient manner, under the direction and subject to the supervision of the board of harbor and land commissioners.

May lay down pipe under or over water courses, lands, etc.

To record in registry of deeds a description of land, etc., taken.

SECTION 3. The said city shall, within sixty days after the taking of any lands, flats, rights of way, water rights or easements as aforesaid, otherwise than by purchase, file and cause to be recorded, in the registry of deeds for the county and district within which such lands or other property is situated, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the mayor of said city.

Liability for damages.

SECTION 4. The said city shall pay all damages sustained by any person or corporation in property by the taking of any land, flat, right of way, water-right or easement, or by any other thing done by said city under the authority of this act. Any person or corporation sustaining damages as aforesaid under this act, who fails to agree with said city as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within the period of three years from the taking of such land or other property, or the doing of other injury, under the authority of this act; but no such application shall be made after the expiration of said three years.

City of Salem Water Loan of 1885, not to exceed $150,000.

SECTION 5. The said city may, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time bonds, notes or scrip, to an amount not exceeding in the aggregate one hundred and fifty thousand dollars; such bonds, notes and scrip shall bear on their face the words "City of Salem Water Loan, Act of 1885;" shall be payable at the expiration of periods not exceeding thirty years from the date of issue; shall bear interest payable semi-annually, at a rate not exceeding six per centum per annum, and shall be signed by the treasurer and be countersigned by the mayor of said city. The said city may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper. The said city shall provide, at the time of contracting said loan, for the establishment of a sinking fund, and

shall annually contribute to such fund a sum sufficient, with the accumulations thereof, to pay the principal of said loan at maturity. The said sinking fund shall remain inviolate and pledged to the payment of said loan, and shall be used for no other purpose.

Sinking fund to be established.

SECTION 6. The said city instead of establishing a sinking fund, may, at the time of authorizing said loan provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act; and when such vote has been passed, the amount required thereby shall, without further vote, be assessed by the assessors of said city in each year thereafter until the debt incurred by said loan shall be extinguished, in the same manner as other taxes are assessed under the provisions of section thirty-four of chapter eleven of the Public Statutes.

May make annual proportionate payments instead of establishing fund.

SECTION 7. The return required by section ninety-one of chapter eleven of the Public Statutes shall state the amount of any sinking fund established under this act, and if none is established whether action has been taken in accordance with the provisions of the preceding section, and the amounts raised and applied thereunder for the current year.

Return required to state amount of sinking fund, etc.

SECTION 8. The said city shall raise annually by taxation a sum which, with the income derived from the water rates, will be sufficient to pay the current annual expenses of operating its water works, and the interest as it accrues on the bonds, notes and scrip issued as aforesaid by said city and to make such contributions to the sinking fund and pay-

To raise by taxation sufficient for current expenses and interest.

ments on the principal as may be required under the provisions of this act.

Town of Beverly not to connect with pipe authorized by this act.

SECTION 9. The town of Beverly shall not make any connection with, or draw any water from, any water pipe laid by said city under authority of this act; and any authority heretofore granted to said town for such purpose shall not apply to the water pipe authorized to be laid by this act.

SECTION 10. This act shall take effect upon its passage.

Approved June 5, 1885.

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*AN ACT AUTHORIZING THE CITY OF SALEM TO TAKE LAND FOR THE PURPOSE OF PRESERVING THE PURITY OF ITS WATER SUPPLY.

[1891, Ch. 285.]

SECTION.
1. City may take land on margin of Wenham pond for preservation of water, etc. May sell such land not required for above purposes. To give town of Beverly thirty days notice before taking land.
2. May prevent passage of alewives into pond.
3. Subject to acceptance by Salem and Beverly.

City may take land on margin of Wenham pond for preservation of water, etc.

SECTION 1. The city of Salem may from time to time take and hold by purchase or otherwise such land on or around the margin of Wenham pond, so called, in the towns of Beverly and Wenham, not exceeding five hundred feet in width as may be deemed necessary for the preservation and

*Accepted by city council June 18, 1891.

purity of the water of said pond. And the said city may take and pay for the same in the same manner as is provided by chapter two hundred and sixty-eight of the acts of the year eighteen hundred and sixty-four, entitled "an act for supplying the city of Salem with pure water." The title of any land taken hereunder shall vest in said city in fee simple provided it is so stated in the order by which the same is taken. And said city may at any time sell and convey any portions of said lands not required for the purposes aforesaid, and the proceeds thereof shall be divided between the city of Salem and the town of Beverly in the proportions paid by each for the land so sold. All the provisions of said chapter two hundred and sixty-eight, and of chapter two hundred and ninety-four of the acts of the year eighteen hundred and eighty-five, entitled "an act to furnish the town of Beverly with water, and to increase the supply thereof," and of any acts amendatory thereof, applicable to the five rods of land around the margin of said pond which the said city of Salem is authorized to take by section one of said chapter two hundred and sixty-eight of the acts of the year eighteen hundred and sixty-four, shall apply to the five hundred feet of land which the said city is hereby authorized to take or purchase. And the said city of Salem and the town of Beverly shall have all the powers and privileges and shall be subject to all the obligations and duties which were vested in or imposed upon said city or town by the acts above referred to which are applicable to said five rods of land. Whenever the city of Salem intends to take any land under the provisions of this act, the said city before taking such land shall give to the town of Beverly thirty days' notice in writing of its intention so to do.

May sell such land not required for above purposes.

To give town of Beverly thirty days notice before taking land.

May prevent passage of alewives into pond.

SECTION 2. Said city may by suitable structures at the outlet of said pond, upon Miles river or any tributary thereof, prevent the passage of alewives into the waters of said pond.

Subject to acceptance by Salem and Beverly.

SECTION 3. This act shall take effect upon its acceptance by the city council of said city of Salem, and by the inhabitants of the town of Beverly at a meeting duly called for that purpose.

Approved May 4, 1891.

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*AN ACT TO PROVIDE AN ADDITIONAL WATER SUPPLY FOR THE CITY OF SALEM.

[1893, Ch. 364.]

SECTION.
1. Additional water supply for the city of Salem and town of Beverly. Written consent of Beverly water board to be obtained.
2. Proceedings in case Beverly water board fails to consent.
3. A description of lands, etc., taken to be recorded in registry of deeds, etc.
4. Lands in Wenham and Beverly may be examined, surveyed etc.
5. Damages.
6. City may offer a specified sum, etc.
7. City of Salem Water Loan, Act of 1893.
8. Town of Beverly water bonds.
9. Penalty for wilful corruption, pollution, etc., of waters, etc.
10. Rights and powers of city of Salem and town of Beverly. Town of Beverly to make annual payments to city of Salem. City of Salem to make a declaration of trust, etc. Provisions of law to apply.
11. To take effect upon acceptance.

Additional water supply for the city of Salem and town of Beverly.

SECTION 1. The city of Salem, for the purpose of providing a further supply of water for the use of said city and its inhabitants, and for the town of Beverly and its inhabitants, as authorized by chapter two hundred and sixty-eight of the acts of the year eighteen hundred and sixty-four and

*Accepted by the city council July 13, 1893.

acts in amendment thereof and supplementary thereto, and by chapter two hundred and ninety-four of the acts of the year eighteen hundred and eighty-five, may from time to time take and hold, by purchase or otherwise, in addition to the waters it has been heretofore authorized to take, and may convey to any and all parts of said city through its pipes already existing or authorized by law, and may convey into Wenham lake, the waters of Norwood and Beaver ponds in the town of Beverly, the waters of Miles river in the towns of Beverly and Wenham, and the waters of any and all streams, springs and water sources within the watershed of said Norwood and Beaver ponds and of said Miles river and their tributaries and confluents, and all water rights connected therewith; and may take, hold and convey as aforesaid the waters of Longham meadow, so-called, in the towns of Beverly and Wenham, and all rights of flowage appurtenant to the same, and the waters of any and all streams, springs and water sources within the watershed of said meadow, or which can be collected by constructing a dam or dams at or below such meadow, and all water rights connected with the same; and may take and hold as aforesaid any and all lands, property, rights of way and easements that may be necessary for holding, storing, conveying, distributing and preserving the purity of any and all said waters as aforesaid, and for effectually carrying out the objects of this act; and may erect on any lands so taken proper dams, reservoirs, storage basins, fixtures, structures, machinery and apparatus; may make such excavations and embankments and provide such other means as may be necessary or advisable for such purposes; and may construct and lay down

such conduits, canals, pipes or other works, under, through or over any lands, water courses, railroads and private ways in said Beverly and Wenham as it may deem necessary or advisable for taking said waters and adding the same to the present water supply of said city and town of Beverly, that the same may be conveyed into said city through the pipes now in use by it to convey water therein; and for all proper purposes of this act may dig up any such lands and any such public way in such manner as to cause the least hindrance to public travel: *provided*, that no such taking shall be valid unless made with the consent of the water board of said town of Beverly, previously obtained in writing, signed by said water board, or unless previously authorized as provided in section two of this act.

Written consent of Beverly water board to be obtained.

Proceedings in case Beverly water board fails to consent.

SECTION 2. In case the water board of said town of Beverly shall fail to give its consent to the taking of any lands, rights of way, water rights, water sources or easements as aforesaid which said city of Salem may desire to take, and for the taking of which said city shall have requested such consent, for one month after such request, then, upon application of said city and notice to said water board, and town of Beverly, the matter in controversy shall be determined by three commissioners to be appointed by the superior court in the county of Essex, whose award when accepted by said court shall be binding upon all parties. And in case that said award shall be that said water board give such consent, then such taking shall be valid in like manner as if such consent had been given.

A description

SECTION 3. The city shall within ninety days after the

taking of any lands, rights of way, water rights, water sources or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the southern district of the registry of deeds for Essex county, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the water board of said city, and the written consent of the water board of said town of Beverly, signed as provided in section one of this act, or instead thereof a duly certified copy of an award as provided in section two of this act.

of lands, etc., taken to be recorded in registry of deeds, etc.

SECTION 4. Said city, its officers and agents, may, so far as they deem it necessary in carrying out the work authorized by section one of this act, or for the purpose of ascertaining what additional supply of water, whether authorized by law or not, is possible for said city, and of determining in what manner said additional supply can best be obtained, enter into and upon any lands within the towns of Wenham or Beverly, and there make such examinations and surveys, and place and maintain such monuments and marks as and where they may deem necessary.

Lands in Wenham and Beverly may be examined, surveyed etc.

SECTION 5. Said city shall pay all damages sustained by any person or corporation in property by the taking of any land, right of way, water, water source, water right or easement, or by any other thing done by said city under the authority of this act. Any person or corporation sustaining damages as aforesaid under this act, who fails to agree with said city as to the amount of damages sustained, may have the damages assessed and determined in the manner provided

Damages.

by law when land is taken for the laying out of highways, on application at any time within the period of three years from the taking of such land or other property or the doing of other injury under the authority of this act; but no such application shall be made after the expiration of said three years: *provided*, that no application for the assessment of damages shall be made for the taking of any water, water right, or for any injury thereto, and that said period of three years shall not begin to run until the water is actually withdrawn or diverted by said city under the authority of this act.

City may offer a specified sum, etc.

SECTION 6. In every case of an application for the assessment of damages, or for any injury, the said city may offer in court and consent in writing that a sum therein specified may be awarded as damages to the complainant; and if the complainant shall not accept the same within ten days after he has received notice of such offer, and shall not finally recover a greater sum than the sum offered, not including interest on the sum recovered, in damages from the date of the offer, the said city shall be entitled to recover its costs after said date, and the complainant, if he recovers damages, shall be allowed his costs only to the date of the offer.

City of Salem Water Loan. Act of 1893.

SECTION 7. The said city may, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, borrow money from time to time and issue therefor negotiable bonds, notes and scrip to an amount not exceeding in the aggregate two hundred thousand dollars; such bonds, notes or scrip shall be signed by the treasurer of

said city and countersigned by the mayor, and shall be denominated on the face thereof, City of Salem Water Loan, Act of 1893, shall be payable at the expiration of periods not exceeding thirty years from the date of issue, and shall bear such rate of interest, not exceeding six per cent., as the city council of said city may determine. The said city may sell such securities at public or private sale, or pledge the same for not less than the par value thereof, for money borrowed for the purposes aforesaid, upon such terms and conditions as it may deem proper, and may make payable annually a fixed proportion of the principal of said bonds, notes or scrip; and said city shall raise annually by taxation the amount required to meet such interest and the proportion of the principal payable annually. The sinking funds of any loan of said city may be invested in said bonds, notes or scrip.

Town of Beverly water bonds.

SECTION 8. The town of Beverly, for the purpose of paying to the city of Salem any portion of the necessary expenses and liabilities incurred under the provisions of this act, for which it may be liable to said city, may borrow money from time to time and issue therefor negotiable bonds, notes and scrip to the amount of such liability to said city, as it may be incurred and become due; such bonds, notes or scrip shall be signed by the treasurer of said town and countersigned by a majority of the board of selectmen of said town, and shall be payable at the expiration of periods not exceeding thirty years from the date of issue, and shall bear such rate of interest, not exceeding six per cent., as the board of selectmen of said town shall determine. The said town may sell such securities at public or private sale or pledge

the same for not less than the par value thereof, for money borrowed for the purposes aforesaid, upon such terms and conditions as it may deem proper, and may make payable annually a fixed proportion of the principal of said bonds, notes or scrip; and said town shall raise annually by taxation the amount required to meet such interest and the proportion of the principal payable annually. The sinking funds of any loan of said town may be invested in said bonds, notes or scrip.

Penalty for wilful corruption, pollution, etc., of waters, etc.

SECTION 9. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said city under the authority and for the purposes of this act, or burns or destroys any trees, wood or timber standing or being upon land taken or held under the authority of this act, shall forfeit and pay to said city three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment not exceeding one year.

Rights and powers of city of Salem and town of Beverly.

SECTION 10. The city of Salem shall have and exercise in relation to the further water supply authorized by the provisions of this act, similar rights and powers to those vested in said city by the provisions of said chapter two hundred and sixty-eight of the acts of the year eighteen hundred and sixty-four and acts in amendment thereof and supplementary thereto, so far as the same are not inconsist-

ent with this act and may be applicable thereto; and the town of Beverly shall have the same rights to take water from any of the sources, storage basins or works acquired or constructed under the authority of this act as it now has to take water from Wenham lake. Said town of Beverly shall upon demand annually pay to the city of Salem one-third of the expenses which said city shall incur under the authority of this act, for the purpose of securing a sufficient supply of water for said city of Salem and said town of Beverly, and preserving the purity thereof, whether said expenses shall be for damages and costs for land, water rights and easements purchased or taken for said purposes, for damages on account of flowage or expense incurred in constructing works, or for water pipes and the laying thereof, or incurred by reason of any other thing done for the purpose aforesaid. And upon payment by said town to said city of the said one-third of the expenses, damages and costs of any lands, water rights or easements taken or purchased under the authority of this act and for which said town of Beverly is obliged by the foregoing provisions to make such payment, said city shall execute and record a declaration of trust in or concerning said lands, water rights and easements, declaring that one undivided third part of the same is held in trust for said town and that said town is entitled to the beneficial enjoyment of said one undivided third part thereof. Said chapter two hundred and sixty-eight of the acts of the year eighteen hundred and sixty-four and acts in amendment thereof and supplementary thereto, and chapter two hundred and ninety-four of the acts of the year eighteen hundred and eighty-five, so far as the same are not inconsistent with this act and may be applicable

Town of Beverly to make annual payments to city of Salem.

City of Salem to make a declaration of trust, etc.

Provisions of law to apply.

thereto, shall apply to the water supply and all things appertaining thereto, authorized by the provisions of this act.

To take effect upon acceptance.

SECTION 11. This act shall take effect upon its acceptance by the city council of the city of Salem, and by the inhabitants of the town of Beverly at a meeting duly called for that purpose.

Approved May 18, 1893.

AN ACT TO CEDE JURISDICTION TO THE UNITED STATES OVER WINTER ISLAND IN SALEM HARBOR.

[1865, Ch. 109.]

SECTION.
1. Jurisdiction over Winter Island ceded to the United States.
SECTION.
2. When act takes effect.

Jurisdiction over Winter Island ceded to the United States. G. S. 1, § 8.

SECTION 1. Jurisdiction is hereby granted and ceded to the United States of America, over all that portion of Winter Island in Salem harbor, lying above low water mark, which may at any time have been acquired by the United States by deed from the municipal authorities of Salem for military purposes, including the present Fort Pickering and buildings connected therewith: *provided*, that a general plan of said premises shall be filed with the secretary of this commonwealth within one year after the passage of this act; and, *provided, also*, that this commonwealth shall retain concurrent jurisdiction with the United States, in and over all the lands aforesaid, so far as that all civil and criminal processes issuing under the authority of this commonwealth

may be executed on said lands, and in any buildings thereon or to be erected thereon, in the same way and manner as if jurisdiction had not been granted as aforesaid.

SECTION 2. This act shall take effect upon its passage. When act takes effect.

Approved March 28, 1865.

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* AN ACT FOR EMPLOYING AND PROVIDING FOR THE POOR IN THE TOWN OF SALEM, AND FOR THE BETTER REGULATING THE WORKHOUSE IN SAID TOWN.

[Act of 1773.]

SECTION.	SECTION.
1. Overseers of the poor to be chosen.	4. Same subject.
2. Government of the work house.	5. Same subject.
3. Power of overseers of the poor.	

Whereas the town of Salem have lately found it necessary to erect a workhouse for the employment of the poor in said town:

1. *Be it enacted by the Governor, Council and House of Representatives*, That from and after the tenth day of March, 1774, at the anniversary meeting in March for the choice of town officers, the town of Salem are hereby empowered to choose five or more overseers of the poor, who shall once in every month assemble themselves together to consult and determine of the most proper methods for the discharge of their office. Overseers of the poor to be chosen.

* This act was passed Jan. 26, 1773, and has been continued in force by subsequent statute provisions of Jan. 10, 1789 (Special Laws, vol. 1., p. 439). See R. S. c. 16, § 25, G. S. c. 22, § 24, and P. S. c. 33, § 24.

Government of the work-house.

2. *And be it further enacted*, That the overseers of the poor of the town of Salem, for the time being, shall have the inspection, ordering and government of the said house, with power of appointing a master, or masters, and one or more assistants, for the more immediate care and oversight of the persons received into or employed in said house, which overseers at their monthly meetings shall have power to make orders and by-laws for the better and more decent regulating the said house, which orders and by-laws shall be binding until the next town meeting, to which they shall exhibit them, and when approved by the said town at a legal meeting, shall be obligatory until revoked by the said town.

Power of overseers of poor.

3. *And be it further enacted*, That each one of the overseers aforesaid shall have power to send any idle and indigent person or persons, to the said house for entertainment and employment for the space of twenty-four hours; or any two of the said overseers shall have power to continue or send to said house such person or persons, till discharged by the major part of said overseers at a monthly meeting, which person or persons the master or masters, and assistants, are hereby required to receive and employ accordingly.

Same subject.

4. *And be it further enacted*, That the overseers shall have full power of binding out into good families the children of parents who are unable or negligent to provide necessaries for the subsistence and support of their children; provided such parents are not rated for their personal estate or faculty.

Same subject.

5. *And be it further enacted*, That the overseers of the

poor in the town of Salem, be and they hereby are empowered to warn any and all intruders or others who are not inhabitants, to depart the town, and in case of refusal or neglect, to proceed in the same manner, and with as full power as the selectmen by law may or can, and the constables of said town are hereby required to observe and yield ready obedience to the orders and directions of the overseers aforesaid, by virtue and in consequence of this act.

STATUTES.

ACCEPTED BY THE CITY OF SALEM.

1845, chap. 197. — An Act regulating the use of steam-engines and furnaces. Accepted April 14, 1845.

1851, chap. 70. — An Act to authorize members of city councils to hold other offices. Accepted July 28, 1851.

1853, chap. 315. — An Act in relation to the grades of certain streets and ways. Accepted August 1, 1853.

1854, chap. 361. — An Act to regulate the measurement of bark. Accepted May 8, 1854.

General Statutes, chap. 19, sect. 12. — Members of city councils may hold other offices. Accepted March 23, 1880.

Gen. Stat., chap. 24, sects. 18–20. — Relating to compensation of enginemen. Accepted December 10, 1880. See Revised Ordinances of 1880, chap. 21.

Gen. Stat., chap. 49, sects. 72–75. — Relating to weighers of hay and hay-scales. Accepted December 10, 1880. See Revised Ordinances of 1880, chap. 27.

Gen. Stat., chap. 87, sects. 1–5. — Relating to burnt or dangerous buildings. Accepted March 23, 1877.

1869, chap. 154. — An Act concerning sidewalks in the city of Salem. Accepted April 14, 1880.

1872, chap. 243. — An Act for the prevention of fires in cities and towns. Accepted December 13, 1875.

1872, chap. 303. — An Act in relation to sidewalks in cities.

Accepted December 10, 1880. See Revised Ordinances of 1880, chap. 39.

1874, chap. 107. — An Act concerning sidewalks. Accepted December 10, 1880. See Revised Ordinances of 1880, chap. 39.

1878, chap. 47. — An Act for the protection of the public against unsafe and dangerous buildings in cities. Accepted February 25, 1879.

1878, chap. 249. — An Act relating to the apportionment of, sewer and sidewalk assessments. Accepted December 10, 1880. See Revised Ordinances of 1880, chap. 39.

Public Statutes; chapter 16. Sections 32, 33 and 34, relative to weighing of hay and other acticles. Adopted April 3, 1895. See Revised Ordinances of 1895, chapter 22.

Public Statutes; chapter 50. Sections 21, 22, 23 and 25 relative to sidewalks. Accepted April 3, 1895. See Revised Ordinances of 1895, chapter 37.

Public Statutes; chapter 51. Betterments and other assessments on account of the cost of public improvements. Accepted July 30, 1887.

Public Statutes; chapter 54. Section 9 relating to shade trees. Accepted April 18, 1885.

Public Statutes; chapter 58. Inspection and sale of provisions, and animals intended for slaughter. Accepted March 11, 1885.

1881; chapter 213. An act to authorize the city of Salem to take certain flats in the North river. Accepted May 4, 1881.

1882; chapter 154. An act authorizing towns and cities to

lay out public parks within their limits. (As amended by chapter 240 of the acts of 1890). Accepted at city election December 13, 1892.

1883; chapter 185. An act to authorize the city of Salem to take certain lands or flats in the North river in said city. Accepted June 16, 1883.

1884; chapter 194. An act to authorize the city of Salem to take, dredge and fill certain lands or flats in the North River in said city. Accepted May 17, 1884.

1886; chapter 324. An act to authorize the city of Salem to take certain tide-water lands for streets and for the preservation of the public health in said city. Accepted August 10, 1886.

1887; chapter 409. An act to authorize the city of Salem to assess betterments for work to be done under chapter three hundred and twenty-four of the acts of the year eighteen hundred and eighty-six. Accepted July 30, 1887.

1888; chapter 34. An act to authorize the city of Salem to accept the deed of gift of Mary A. Bertram and others, and to carry out the provisions thereof. Accepted February 21, 1888.

1889; chapter 441. An act to authorize the city of Salem to take certain lands in South river for the laying out of streets and for the preservation of the public health in said city. Accepted September 11, 1889.

1890; chapter 74. An act in relation to the preservation of public health in cities. Accepted November 3, 1890.

1891; chapter 133. An act to provide for licensing conductors, drivers and despatchers of street railway cars in the city of Salem. Accepted April 20, 1891.

1891; chapter 285. An act authorizing the city of Salem to take land for the purpose of preserving the purity of its water supply. Accepted June 18, 1891.

1893; chapter 364. An act to provide an additional water-supply for the city of Salem. Accepted July 13, 1893.

1893; chapter 462. An act to authorize the establishment of a building line on public ways. Accepted July 11, 1893.

RULES AND ORDERS

OF THE

BOARD OF ALDERMEN.

MEETINGS, QUORUM, PROCEEDINGS.

SECTION 1. At all meetings of the board, a majority shall constitute a quorum for the transaction of business.

SECTION 2. The mayor shall take the chair at the hour appointed for the meeting, shall call the members to order, and a quorum being present, shall cause the record of the preceding meeting to be read. In the absence of the mayor, the president of the board shall preside; and in the absence of both, a president *pro tempore* shall be chosen.

He shall preserve decorum and order; may speak to points of order in preference to members; shall decide all questions of order, subject to an appeal to the board by motion regularly seconded, and no other business shall be in order until the question on the appeal shall have been decided.

He shall declare all votes. If the vote is doubted by any member, he shall, without permitting further debate upon the question, require first the members voting in the affirmative, and afterwards those voting in the negative to rise and stand until counted, and he shall then declare the result. If any member fails to rise and stand till counted, he shall be

counted as voting to sustain the decision originally made by the presiding officer.

SECTION 3. When the mayor shall desire to vacate the chair, he may, if the president be absent, call any member to it; but such substitution shall not continue beyond an adjournment.

SECTION 4. On all questions and motions, the presiding officer shall take the sense of the board by a yea and nay vote, provided any member present shall so require.

SECTION 5. The presiding officer shall propound all questions in the order in which they are moved, unless the subsequent motion shall be previous in its nature; except, that in naming sums and fixing times, the largest sum and the longest time shall be first put, and when a motion is made to refer any subject, and different committees are proposed, the questions shall be taken in the following order:—

To a standing committee of the board;
To a select committee of the board;
To a joint standing committee;
To a joint select committee.

SECTION 6. After a motion is stated, or read by the presiding officer, it shall be deemed to be in possession of the board, and shall be disposed of by vote; but the mover may withdraw it by unanimous consent, at any time before a decision or amendment.

SECTION 7. When a question is under debate, the pre-

siding officer shall receive no motion, but to adjourn — to lay on the table — the previous question — to postpone indefinitely — to postpone to a day certain — to commit or to amend; which several motions shall have precedence in the above order, and the first three shall be decided without debate.

The previous question shall be put in the following form: "Shall the main question be now put?" — and all further amendments or debate of the main question shall be suspended until the previous question is decided. A motion to strike out the enacting clause of an ordinance shall be equivalent to a motion to postpone indefinitely.

SECTION 8. When two or more members rise at the same time, the presiding officer shall name the member who is entitled to the floor.

RIGHTS AND DUTIES OF MEMBERS.

SECTION 9. Every member when about to speak, shall rise and respectfully address the presiding officer; shall confine himself to the question under debate, and avoid personalities.

SECTION 10. No member speaking shall be interrupted by another but by rising for a call to order, or for explanation.

SECTION 11. No member shall vote on any question, or serve on any committee, where his private interest is immediately concerned, distinct from that of the public. Every

member (not having such interest) present when a question is put, shall vote, unless the board for special reasons excuse him.

SECTION 12. A question having been taken, any member may give notice of his intention to move a reconsideration at the next meeting, and if such notice be given no subsequent motion to reconsider the pending question shall be entertained at the same meeting.

SECTION 13. Except as provided in section twelve, it shall be in order for any member to move a reconsideration of any question upon which a vote shall have been taken at the same meeting, or at the succeeding meeting, if a notice to that effect has been given at the meeting at which the vote was taken, or to the clerk within twenty-four hours after the meeting at which the vote was taken; but no more than one motion for the reconsideration of any vote shall be entertained.

SECTION 14. The seats of the members of the board shall be numbered from one upwards, beginning at the left of the mayor's chair, and be determined by lot, except that seat number one shall be reserved for the president of the board and no member shall change his seat but by permission of the mayor.

ORDER OF BUSINESS.

SECTION 15. At every regular meeting of the board, the order of business shall be as follows:

1. Reading of the record.

2. Communications from his honor the mayor.
3. Papers from the common council.
4. Communications and reports from city officers.
5. Presentation of petitions, memorials, and remonstrances.
6. Reports of committees.
7. Unfinished business of preceding meetings.
8. Motions, orders, and resolutions.

The above order of business shall not be departed from, except by vote of a majority of the members present.

SECTION 16. All petitions for appointments that are made upon nomination of the mayor and confirmation of the board, shall, when received, be referred to the mayor without debate. Nominations made by the mayor shall not be acted upon until the next meeting after such nominations are made; and such action, when taken, shall be by a yea and nay vote.

COMMITTEES.

SECTION 17. There shall be appointed standing committees as follows:—

1. A Committee on Police and Licenses, to consist of the mayor and two aldermen.
2. A Committee on Elections and Returns, to consist of three aldermen.
3. A Committee on Shade Trees, to consist of two aldermen.
4. A Committee on the Market and Market-house, to consist of two aldermen.

5. A Committee on Trust Funds, to consist of two aldermen.

6. A Committee on Armories, to consist of two aldermen.

7. A committee on Bonds, to consist of three aldermen; said committee to receive and examine all bonds which are to be approved by the board of aldermen. Said committee shall also examine annually all bonds and securities given by city officials, or held for the protection of the city against loss, and report to the board upon the sufficiency and condition thereof, such report to be made if practicable as early as the month of February in every year.

8. Such committees on the part of this board as may be required by the joint rules and orders of the city council.

SECTION 18. All committees shall be appointed by the mayor, unless otherwise provided, but the president may appoint any select committee ordered while he occupies the chair.

DUTIES OF THE CLERK.

SECTION 19. In the absence of the mayor, and of the president of the board, the clerk (and in his absence, the senior member present) shall call the board to order and preside, until a president *pro tempore* shall be chosen.

The clerk shall attend and keep the records of all the meetings of the board; he shall also record the names of the members present, and shall have the care and custody of the city records, and of all documents, maps, plans and papers, respecting the care and custody of which no other provision is made.

When the board shall act upon any paper received from the common council in any other manner than by concurrence, the clerk shall not notify the common council of such action until the time allowed for a reconsideration shall have expired.

In case of the absence of the city clerk from any meeting of the mayor and aldermen, they may elect a clerk *pro tempore* for such meeting.

POLES AND WIRES.

SECTION 20. No permission to erect a pole or post for the support of electric wires, or for the construction of underground conduits, shall be granted until a public hearing shall have been given by the board on the application for such permission; after notice of such hearing, duly advertised at the expense of the applicant in one or more newspapers.

SUSPENSION OR AMENDMENT OF RULES AND ORDERS.

SECTION 21. These rules and orders of business shall be observed in all cases, unless suspended for a specific purpose by a unanimous vote, or amended by a two-thirds vote of the members present and voting. No amendment shall be acted upon until the next meeting of the board after the same is submitted.

RULES AND ORDERS

OF THE

COMMON COUNCIL.

DUTIES OF THE PRESIDENT.

SECTION 1. The president shall take the chair precisely at the hour to which the council may have adjourned; he shall call the members to order, and, on the appearance of a quorum, shall cause the minutes of the preceding meeting to be read, and proceed to business. In the absence of the president, the council shall be called to order by the clerk, or, in his absence, by the senior member present, who shall preside until a president *pro tempore* shall be chosen by ballot; and if an election is not effected on the first trial, on the second ballot a plurality of votes shall elect.

SECTION 2. He shall preserve order and decorum; he may speak to points of order in preference to other members, and shall decide all questions of order, subject to an appeal to the council, on motion of any member, regularly seconded.

SECTION 3. He shall declare all votes; but if any member doubt the vote, the president, without further debate upon the question, shall require the members voting in the

affirmative and negative to rise and stand until they are counted, and he shall declare the result.

SECTION 4. He shall rise to address the council, or to put a question, but may read sitting.

SECTION 5. The president may call any member to the chair, provided such substitution shall not last longer than one meeting. He may express his opinion on any subject under debate, but in such case he shall leave the chair, and appoint some other member to take it. He may, however, state facts and give his opinion on questions of order, without leaving his place.

SECTION 6. When any member shall require a question to be taken by yeas and nays the president shall take the sense of the council in that manner, provided one-third of the members present are in favor of it.

SECTION 7. He shall propound all questions in the order in which they are moved, unless the subsequent motion shall be previous in its nature; except that in naming sums and fixing times, the largest sum and the longest time shall be put first.

SECTION 8. When two or more members rise at the same time, the president shall name the member who is first to speak.

SECTION 9. Whenever any proceedings of the mayor and

aldermen, relating to laying out, widening, altering, or discontinuing of any street or way within the city of Salem, and the damages any person may sustain thereby, and which has not been considered by the joint standing committee on streets, bridges and sewers, shall be communicated to the common council, said matter shall stand referred to the committee on streets, bridges and sewers, on the part of the common council.

SECTION 10. In all cases the president may vote.

DUTIES OF THE CLERK.

SECTION 11. It shall be the duty of the clerk to keep minutes of the votes and proceedings of the council, and enter thereon by their title, or otherwise, all orders and resolutions adopted, and all reports, petitions, memorials, and other papers presented; and shall enter all accepted reports of select committees of the council, at length in a separate journal, to be kept for the purpose and provided with an index; and shall draw all messages to the mayor and aldermen. In case of the absence of the clerk from any meeting, a clerk *pro tempore* shall be elected by ballot, who shall be sworn to the faithful discharge of his duties.

SECTION 12. He shall retain possession of all papers in reference to which any member has given notice of his intention to move a reconsideration as hereinafter provided until the right of reconsideration has expired. (See section 37.)

RIGHTS AND DUTIES OF MEMBERS.

SECTION 13. When any member is about to speak in debate or deliver any matter to the council, he shall rise in his place and respectfully address the presiding officer; shall confine himself to the question under debate, and avoid personality. He shall sit down as soon as he is done speaking.

SECTION 14. No member in debate shall mention another member by name, but may describe him by the ward he represents, the place in which he sits, or such other designation as may be intelligible and respectful.

SECTION 15. No member speaking shall be interrupted by another, but by rising to call to order or to correct a mistake. But if any member, in speaking, or otherwise, transgress the rules of the council, the president *shall*, or any member *may*, call to order; in which case the member so called to order shall immediately sit down, unless permitted to explain; and the council, if appealed to, shall decide on the case, but without debate.

SECTION 16. When any member shall violate any of the rules and orders of the council, and the council shall have determined that he has so transgressed, the president or the council may require him to make satisfaction therefor, and, in such case, he shall not be allowed to vote or speak, unless by way of excuse, until he has made satisfaction accordingly.

SECTION 17. No member shall speak more than twice on

the same question, if objection is made, without leave of the council, nor more than once until all other members choosing to speak shall have spoken.

SECTION 18. No member shall be permitted to stand up, to the interruption of another, while any member is speaking, or pass unnecessarily between the president and the member speaking.

SECTION 19. No member shall vote, or serve on any committee, in any question in which he has an interest distinct from the public. Every member who shall be in the room when a question is put, shall give his vote, unless the council, for special reasons, shall excuse him. Any member, desiring to be so excused on any question, shall make application to that effect before the council is divided, or before the calling of the yeas and nays; and such application shall be accompanied by a brief statement of reasons and shall be decided without debate.

SECTION 20. All motions and reports may be committed or recommitted, at the pleasure of the council.

SECTION 21. Any member may call for the division of a question where the sense will admit of it.

SECTION 22. Where the reading of a paper is called for, and the same is objected to by any member, it shall be determined by a vote of the council.

SECTION 23. No standing rule or order of the council

shall be suspended, unless three-fourths of the members present shall consent thereto; nor shall any rule or order be repealed or amended, without notice being given of the motion therefor at the preceding meeting, nor unless a majority of the whole council shall concur therein.

SECTION 24. Every member shall take notice of the day and hour to which the council stands adjourned, and shall give his punctual attendance accordingly.

SECTION 25. The members of the council shall not leave their places on adjournment, until the president shall declare the council adjourned. The council shall not be adjourned for want of a quorum, until the fact that a quorum is not present has been ascertained by calling the roll of members.

SECTION 26. The seats of the common council shall be numbered and determined by lot; and no member shall change his seat but by permission of the president.

MOTIONS.

SECTION 27. Every motion shall be reduced to writing, if the president direct, or any member of the council request it.

SECTION 28. When a motion is made and seconded, it shall be considered by the council, and not otherwise; and no member shall be permitted to submit a motion in writing until he has read the same in his place, and it has been seconded.

SECTION 29. After a motion is seconded and stated by the president, it shall be disposed of by a vote of the council, unless the mover withdraw it, before a decision or amendment, with the unanimous consent of the members present.

SECTION 30. When a question is under debate, no motion shall be received, but,—

1. To adjourn;
2. To lay on the table;
3. For the previous question;
4. To postpone to a day certain;
5. To commit;
6. To amend; or
7. To postpone indefinitely;

in which the several motions shall have precedence in the order in which they are here arranged; and a motion to strike out the enacting clause of an ordinance shall be equivalent to a motion to postpone indefinitely.

SECTION 31. When a motion is made to refer any subject, and different committees are proposed, the question shall be taken in the following order:—

A standing committee of the council.
A select committee of the council.
A joint standing committee.
A joint select committee.

SECTION 32. A motion for commitment, until it is decided, shall preclude all amendments of the main question.

SECTION 33. A motion to adjourn shall be always in order, except upon immediate repetition, and that motion, as also the motion to lay on the table, or to take up from the table, shall be decided without debate.

ORDER OF BUSINESS.

SECTION 34. At every regular meeting of the council, the order of business shall be as follows:—

1. Reading of the record.
2. Communications from the mayor.
3. Papers from the board of aldermen.
4. Communications and reports from city officers.
5. Presentation of petitions, memorials and remonstrances.
6. Reports of committees.
7. Unfinished business of preceding meetings.
8. Motions, orders or resolutions.

The above order of business shall not be departed from, except by vote of a majority of the members of the council present.

PREVIOUS QUESTION.

SECTION 35. The previous question shall be put in the following form: "*Shall the main question be now put?*" and all debate upon the main question shall be suspended until the previous question shall be decided. On the previous question, not exceeding ten minutes shall be allowed for debate, and that only to give reasons why the main question should not be put, and no member shall speak more than

three minutes. The adoption of the previous question shall put an end to all debate and bring the council to a direct vote upon pending amendments, if any, in their regular order, and then upon the main question.

RECONSIDERATION.

SECTION 36. When a vote has been taken and declared any member may move a reconsideration, and if seconded, it shall be open to debate, and disposed of by the council; and if the motion is made at the same meeting, a majority of the members present may pass a vote of reconsideration; but no more than *one* motion for the reconsideration of any vote shall be permitted.

SECTION 37. Any member, who has voted with the majority, may give notice of his intention to move a reconsideration at the next meeting; and if such notice be given, no subsequent motion thereupon, to reconsider the pending question, shall be entertained (see section 12).

SPECIAL ASSIGNMENT.

SECTION 38. When a matter has been specially assigned to be taken up at a fixed hour, or at a certain stage of proceedings, such matter shall, at the time appointed, or at any time subsequent thereto, during the same or succeeding meetings, be in order upon the call of any member, and take precedence of all other business.

COMMITTEES.

SECTION 39. Standing committees shall be appointed on the following subjects, viz.: on elections and returns, and on bills in the second reading, each to consist of three members.

SECTION 40. There shall be a standing committee of three members, to be called the committee on bills in the second reading, to whom all bills, which are passed to a second reading, shall be referred; and it shall be the duty of the said committee carefully to examine such bills, to see that they are in technical form, and that their provisions are not repugnant to the constitution and laws of the commonwealth, or to the charter and ordinances of the city, and make report of them to the council before the time assigned for their second reading.

SECTION 41. All committees of the council shall consist of three members, unless a different number be especially ordered; and no report shall be received from any committee unless agreed to in committee actually assembled.

SECTION 42. No committee shall sit during any meeting of the council, without special leave.

SECTION 43. All committees, except such as the council may determine to elect by ballot, shall be appointed by the president.

COMMITTEE OF THE WHOLE.

SECTION 44. When the council shall determine to go into committee of the whole, the president shall appoint the member who shall take the chair.

SECTION 45. The rules of proceeding in the council shall be observed in committee of the whole, so far as they are applicable; but a motion to rise, report progress and ask leave to sit again shall be first in order, and shall be decided without debate; and the previous question shall not be moved.

COMMUNICATIONS, REPORTS, ORDINANCES, ORDERS AND RESOLUTIONS.

SECTION 46. All memorials and other papers addressed to the council shall be presented by the president, or by a member in his place, who shall explain the subject thereof, and they shall lie on the table to be taken up in the order in which they are presented, unless the council shall otherwise direct.

SECTION 47. All messages to the mayor and aldermen shall be sent by the messenger.

SECTION 48. All ordinances, and all orders or resolutions, imposing penalties, or authorizing the expenditure of money, shall have two several readings before they shall be finally

passed by the council, provided however, that any order or resolution authorizing the expenditure of money shall require but one reading, if it was originally introduced into the common council, was referred to the joint standing committee on finance and appropriations, and said committee has reported in favor of its passage. The second reading of a document may be by its title only, unless objection is made.

SECTION 49. No ordinance whatever, and no order or resolution, requiring two several readings, shall have more than one reading on the same day; provided, however, that nothing herein contained shall prevent the passage of an order at any meeting of the council, to authorize the printing of any document relating to the affairs of the city.

CUSHING'S MANUAL.

SECTION 50. The rules of parliamentary practice comprised in Cushing's Manual shall govern the council in all cases to which they are applicable, and in which they are not inconsistent with these rules and orders, or the joint rules and orders of the city council.

JOINT RULES AND ORDERS

OF THE

CITY COUNCIL.

SECTION 1. In every case of disagreement on any matter requiring the joint action of the two branches of the city council, if either branch shall request a conference, and appoint a committee for that purpose, the other branch, shall, at once, upon receiving notice of such request, appoint a committee for said purpose; three members, representing its vote, shall be appointed by each branch. Said committee of conference shall meet within ten days, at the call of the chairman of the committee on the part of the branch requesting the conference, and state the views of each branch on the matter in question and confer freely thereon. Each committee shall vote separately, and having reached an agreement, or being unable to agree, shall report jointly in writing. Any paper adopted in one branch and no action reported thereon by the other branch within six weeks, shall be taken to be a disagreement within the meaning of this section.

SECTION 2. When either board shall act upon any paper received from the other board, in any other manner than by concurrence, notice of such action shall be communicated in writing.

SECTION 3. All by-laws passed by the city council shall be termed "ordinances," and the enacting style shall be, "Be it ordained by the city council of the city of Salem."

In all votes when either or both branches of the city council express anything by way of command, the form of expression shall be "*Ordered*;" and when either or both branches express opinions, principles, facts, or purposes, the form shall be, "*Resolved.*"

SECTION 4. No committee shall act by separate consultation, and no report shall be received unless agreed to in committee actually assembled.

SECTION 5. All reports and other papers submitted to the city council shall be written in a fair hand; and no reports or other endorsements shall be written upon the memorials or other papers referred to the committee of either board.

SECTION 6. The following joint committees shall be appointed annually, namely:—

A Committee on Finance and Appropriations, to consist of the mayor, three aldermen, the president and three members of the common council.

A Committee on Public Instruction, to consist of the mayor, two aldermen, the president and three members of the common council.

A Committee on Fuel and Street Lighting, to consist of two aldermen, and one member of the common council.

A Committee on Streets, Bridges and Sewers, to consist of three aldermen and two members of the common council.

And the following committees, each to consist of two aldermen and three members of the common council, viz.:—

A Committee on Accounts.
A Committee on the Collection and Assessment of Taxes.
A Committee on Claims.
A Committee on Electrical Affairs.
A Committee on Fire Department.
A Committee on Military Affairs.
A Committee on Ordinances.
A Committee on Printing.
A Committee on Salaries.

SECTION 7. All joint committees may report by ordinance, resolve, or otherwise, and may make their reports to either board. And it shall be the duty of all such committees to whom the subject may be referred, to report upon the same at the next meeting after such reference, or to report progress on the same, whenever called on so to do by any member of the city council.

SECTION 8. No vote, by which an order, resolve, or ordinance, has been passed in its final stage, shall be reconsidered in either branch after the same has been finally acted upon in the other branch, unless the motion for reconsideration be made, or notice given at the same meeting at which the vote to be reconsidered passed. And when any order, resolve or ordinance, shall have been finally rejected by either branch, no other, substantially the same, shall be introduced in that branch by any member or committee, except a committee of conference, during the same municipal year, without the consent of two-thirds of the members present.

SECTION 9. When the two boards are both in session, it shall be the duty of each, before adjourning, to give notice of their intention so to do to the other branch of the city council.

SECTION 10. Whenever any petition is referred to a committee, the committee shall give the petitioners two days' notice at least of the time and place appointed for hearing the same, and when there are five or more petitioners, the first five petitioners shall be notified.

SECTION 11. Whenever an ordinance, order, resolution or vote, shall be passed by the board of aldermen, or by the concurrent vote of the board of aldermen and common council, which is required by law to be presented to the mayor, the city clerk shall present the same after its passage, without unnecessary delay, and shall enter upon the record of the board of aldermen, the day on which the same was presented.

SECTION 12. In all joint conventions of both branches of the city council, duly assembled, sixteen members shall constitute a quorum.

SECTION 13. Every order or resolution appropriating money, shall, upon its introduction into either branch of the city council, stand referred to the joint standing committee on finance and appropriations, which shall consider the same without delay, and report thereon to the branch into which it was introduced, not later than the first meeting of said branch, which shall be held one week or more after said order or resolution is introduced. No further action shall be taken upon said matter, until said meeting, unless said committee shall sooner report.

HARLAN P. KELSEY
★
MAR 6 1908
SALEM, MASS.

HISTORICAL

LIST OF MEMBERS

OF THE

CITY GOVERNMENT

AND

CITY OFFICIALS.

FIRST CITY GOVERNMENT OF SALEM.

1836-37.

MAYOR, LEVERETT SALTONSTALL.

ALDERMEN.

SAMUEL HOLMAN, JR.,
OLIVER PARSONS,
GEORGE PEABODY,
DAVID PINGREE,
JOHN WATERS,
HENRY WHIPPLE.

PRESIDENT COMMON COUNCIL, JOHN G. KING.

COMMON COUNCIL.

FRAZIER CARLTON,
JOHN CHADWICK,
JAMES CHAMBERLAIN,
STEPHEN A. CHASE,
PUTNAM I. FARNHAM,
STEPHEN FOGG,
WILLIAM GOODHUE,
JOSEPH HODGES,
WILLIAM HUNT,
JOHN G. KING,
EBENEZER K. LAKEMAN,
HENRY K. OLIVER,
WARWICK PALFRAY, JR.,
HORATIO PERRY,
THOMAS P. PINGREE,
DAVID PULSIFER, JR.,
DAVID PUTNAM,
RICHARD S. ROGERS,
JOHN RUSSELL,
WINTHROP SARGENT,
MICHAEL SHEPARD,
STEPHEN W. SHEPARD,
GEORGE H. SMITH,
JOSEPH G. WATERS.

MAYORS.

LEVERETT SALTONSTALL	1836, '37, '38[1]
STEPHEN CLARENDON PHILLIPS	1838,[1] '39, '40, '41
STEPHEN PALFREY WEBB	1842–44, '60–62
JOSEPH SEBASTIAN CABOT	1845, '46, '47, '48
NATHANIEL SILSBEE, JR.	1849, '50, '58, '59
DAVID PINGREE	1851
CHARLES WENTWORTH UPHAM	1852
ASAHEL HUNTINGTON	1853
JOSEPH ANDREWS	1854,[2] '55
WILLIAM SLUEMAN MESSERVY	1856, '57
STEPHEN GOODHUE WHEATLAND	1863, '64
JOSEPH BARLOW FELT OSGOOD	1865
DAVID ROBERTS	1866, '67[3]
WILLIAM COGSWELL	1867,[3] '68, '69, '73, '74
NATHANIEL BROWN	1870, '71
SAMUEL CALLEY	1872, '81
HENRY LAURENS WILLIAMS	1875, '76
HENRY KEMBLE OLIVER	1877, '78, '79, '80
WILLIAM MILLLET HILL	1883, '84
ARTHUR LORD HUNTINGTON	1885
JOHN MARSHALL RAYMOND	1886, '87. '88, '89
ROBERT SAMUEL RANTOUL	1890, '91, '92, '93
JAMES HARVEY TURNER	1894, '95

[1] Resigned, and December 5, 1838, Stephen C. Phillips elected to fill the vacancy

[2] Elected March 16, 1854, in place of George L. Newcomb, who was elected March 7, 1854 but declined to serve.

[3] Resigned, and September 26, 1867, William Cogswell elected to fill the vacancy.

☞ The municipal year previous to 1856 ended on the second Monday of March. From 1856 to 1874 inclusive it ended on the fourth Monday of January, and from 1875 to the present time on the first Monday of January.

PRESIDENTS OF BOARD OF ALDERMEN.[1]

WILLIAM A. BROOKS	1876
GEORGE R. EMMERTON	1877, '78, '79, '80
CHARLES H. FIFIELD	1881
LEVERETT S. TUCKERMAN	1882
GEORGE R. HARRIS	1883
JOHN P. PEABODY	1884, '85
JOHN H. BATCHELDER	1886, '87, '88
PATRICK F. TIERNEY	1889, '90
ARTHUR S. PALFRAY	1891, '92
JAMES H. TURNER, JR.	1893[2]
ARTHUR W. WEST	1893
EDWARD H. KNIGHT	1894
WILLIAM H. GOVE	1895

[1] No President elected previous to 1876.
[2] Elected but declined.

ALDERMEN.

Andrews, John P. . . . 1848
Arey, Reuben . . 1885, '88, '89
Austin, Eleazer . . . 1854, '55[1]
Averill, James W. 1878, '79, '81
Averille, Arthur A. . . . 1895
Barlow, John . . . . 1864, '65
Batchelder, John H. 1885, '86, '87, '88
Benjamin, Charles A. . . 1878[2]
Benson, Emery K. . . . 1882
Bettis, John B. . 1884, '89, '90
Bowker, Joel 1843
Brewster, Ira A. . . . 1857, '58
Brooks, Henry M. . . . 1865
Brooks, William A. 1872, '73, '74, '75, '76
Brown, Edward 1856
Brown, Edward F. . . . 1884
Brown, Francis . . . . 1861[3]
Brown, George F.[3]
Brown, Nathaniel, Jr. 1866, '67, '68
Brown, Samuel . . . 1872, '81
Butman, Francis C. . . . 1869
Cabot, Joseph S. . . . 1843, '44
Caller, James M. 1869
Calley, William . . 1856,[4] '57
Carlton, Charles A. . . . 1883
Cass, William F. . . . 1892, '93[5]
Chadwick, John 1842
Chapman, George R. 1863, '64, '65, '72, '73, '75, '76
Chase, Stephen A. . . . 1862
Chase, William 1846
Choate, George 1853
Choate, George F.[6]
Collins, George A. . . 1886, '87
Cook, James P. 1870
Creesy, William A. . . 1870, '71
Cressey, George W. . . . 1891
Curtis, Heman F. . . . 1895
Dalrymple, Simon O. . . 1869
Dalton, Joseph 1850
Dalton, J. Frank 1893
Davis, John H. 1877
Dickson, Walter S. . . . 1883
Dudley, Albion M. . . . 1890
Dwyer, John . . 1849, '50, '61
Eaton, John D. 1877
Emmerton, Ephraim . 1839, '40, '41
Emmerton, George R. 1877, '78, '79, '80
Entwisle, J. Clifford . . . 1895
Evans, Alvah A. . . . 1860,[7] '68

[1] Elected in 1856, but declined.
[2] Elected April 30, 1878, under act of 1878, increasing the number of aldermen to seven.
[3] Elected in 1860, but declined.
[4] Mr. Calley was elected March 17, 1856, in place of Eleazer Austin, who declined to serve.
[5] Resigned Dec. 5, 1893. Vacancy not filled.
[6] Elected in 1869, but declined.
[7] Messrs. Alvah A. Evans, James A. Gillis, John B. Fisk, James Kimball and Charles Upton were elected January 17, 1860, in place of David Moore, Francis Brown, Charles M. Richardson, John Webster and George F. Brown, who were elected, but refused to serve.

Fabens, Augustus J. . . . 1894[1]
Faxon, Elisha J. 1884
Felt, John G. . . . . 1852, '53
Fifield, Charles H. . . 1880, '81
Fisk, John B. 1860,[2] '61, '62, '63, '71[3]
Fitz, Daniel P. . . . 1857, '58, '59[4]
Flint, Simeon . . . . . 1869[5]
Flynn, Michael H. . . . 1894
Foster, Isaac P. . . . 1847, '49
Frothingham, Thomas H. 1866, '67 '68
Frye, Nathan . . . . 1845, '46
Gage, Andrew, Jr. . . 1889, '90
Gifford, James B. . . . 1881, '82
Gifford, Thomas J. . 1878, '79, '80
Gillis, James A. . . . . 1860[6]
Glover, George D. . . 1885, '86
Goodell, Abner C., Jr. . . 1865
Goodhue, William P. 1855, '56, '57, '66, '67, '68
Gove, William H. . . 1894, '95
Griffin, Nathaniel 1845
Hanson, Elijah A. . . 1851, '52, '53
Harrington, Charles . . . 1870
Harris, George R. . . 1882, '83
Harris, Walter S. 1877
Hatch, Lemuel B. . . . 1871
Higbee, Charles 1881
Hill, William E. 1895
Hodges, Joseph . . . 1837, '38
Holman, Samuel, Jr. 1836, '38, '39 '40, '41, '42, '43
Hyde, William L. . . 1887, '88
Ide, Edwin R. 1874, '75, '79, '82
Ives, Stephen B. 1845,[7] '46, '48, '49, '50, '70
Jackson, John . . . . 1875, '76
Kemble, Edward . . . 1878, '79
Kimball, Abraham . . . 1841
Kimball, James . . 1860,[8] '80
Kinsman, John 1876
Knight, Edward H. 1892, '93, '94
Lakeman, Ebenezer K. . . 1841
Lane, Edward B. 1858
Lindsay, Richard 1871
Little, Philip . . . . 1892, '93
Luscomb, Joseph W. 1872, '73, '74, '75
Manning, Richard C. . . 1877
Mansfield, Daniel H. 1863, '64, '65
Masury, John 1854
Maynes, William . 1873, '76, '81
McIntire, William S. . 1887, '88
Meade, William E. . . . 1889
Moore, David . . . . 1858, '59[9]
Moulton, Joshua W. . . . 1881
Newcomb, George L. . 1851, '52
Nichols, David . . . . 1854, '55[9]
Nichols, Thomas, Jr. . . 1856
Nichols, William F. . . 1848, '49

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[1] Died May 26, 1894. Vacancy not filled.
[2] See previous note to Alvah A. Evans.
[3] Messrs. John B. Fisk and George Sanborn were elected January 16, 1871, in place of George F. Putnam and Charles C. Pettingell, who were elected, but refused to serve.
[4] Mr. Fitz resigned, and February 7, 1859, Ripley Ropes was elected to fill the vacancy.
[5] Messrs. Simeon Flint and John C. Osgood were elected January 18, 1869, in place of Thomas H. Prime and George F. Choate, who were elected, but declined to serve.
[6] See previous note to Alvah A. Evans.
[7] Elected March 18, 1845, in place of Allen Putnam, declined.
[8] Elected in 1860, but declined.
[9] Messrs. David Nichols and Moses C. Reynolds were elected March 23, 1855, in place of John D. Symonds, who declined to serve, and Penn Townsend, member *elect*, deceased.

Northey, Abijah . . . 1837, '38
O'Brien, Daniel J. . . 1892, '93
Osgood, Charles S. . . 1870, '71
Osgood, John C. . . 1869,[1] '70
Palfray, Arthur S. 1889, '90, '91, '92
Palmer, William L. . . . 1879
Parker, William B. . 1853,[2] '56
Parsons, Oliver . . . 1836, '37
Patterson, Nathaniel C. . . 1874
Peabody, Brackley R. . . 1858
Peabody, Francis 1837
Peabody, George . . . 1836, '38
Peabody, John P. . . 1884, '85
Perkins, Aaron . 1850, '51, '52
Perkins, Fitz W. . . . . 1894[3]
Perkins, Joseph S. . . . 1860
Perry, Augustus 1853
Pettingell, Charles C.[4]
Pickman, Francis W. 1862, '63, '66
Pingree, David 1836
Pingree, David 1883
Pitman, Joseph F. . . 1885, '86
Potter, Samuel A. 1883, '90, '91
Pratt, Henry J. . . . 1878, '80
Prime, Thomas H. 1866, '67, '68[5]
Putnam, Allen[6]
Putnam, David 1839, '40, '46, '48
Putnam, Ebenezer . . . 1844
Putnam, George F.[7]
Quimby, E. Hervey . . . 1867
Rantoul, Robert S. . . . 1880
Reynolds, Moses C. . . 1855,[8] '68
Richardson, Charles M. . 1859[9]
Ricker, Oliver P. 1873
Roberts, David 1851
Robertson, Stratton W. 1855, '57, '58, '59
Robson, Matthew . . . 1884
Rogers, John W. . . . 1837, '38
Ropes, Ripley . . . . 1857, '59[10]
Ropes, William . . . 1839, '40
Russell, Benjamin W. 1878, '79, '80
Russell, George G. . . . 1891
Russell, John . . 1844, '45, '50
Sanborn, Franklin T. . 1862, '63
Sanborn, George . . 1871,[11] '72
Saunders, Thomas M. 1846, '47, '48
Sawyer, Addison A. . . . 1894
Sheehan, John J. . . . 1884, '85
Silsbee, Benjamin H. . . 1859
Silsbee, Nathaniel . . . 1851
Silver, Peter 1864
Silver, William . . . . . 1854[12]
Simonds, Samuel . . 1845, '46, '47
Smith, Dana Z. 1861, '62, '72, '73, '74
Smith, George H. 1837, '38, '39, '40 '42, '43, '44
Smith, Horace N. . . . 1889
Sprague, Joseph G. . . . 1841
Standley, Samuel S. . . . 1848
Stickney, George A. D. . . 1894
Stimpson, James C. . . . 1847

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[1] See previous note to Simeon Flint.
[2] Elected in 1854, but declined.
[3] Died Sept. 30, 1894. Vacancy not filled.
[4] Elected in 1871, but declined.
[5] Elected in 1869, but declined.
[6] Elected in 1845, but declined.
[7] Elected in 1871, but declined.
[8] See previous note to David Nichols.
[9] Elected in 1860, but declined.
[10] See previous note to Daniel P. Fitz.
[11] Messrs. George Sanborn and John B. Fisk were elected January 16, 1871, in place of George F. Putnam and Charles C. Pettingell, who were elected, but refused to serve.
[12] Mr. Silver was elected March 16, 1854, in place of William B. Parker, who declined to serve.

Stoddard, Daniel . . . 1861, '62
Stodder, Simon . . . 1865, '66
Stone, Irving 1877
Story, Augustus 1852
Stowe, Volney C. . . . 1875, '76
Symonds, John D. . . . 1854[1]
Symonds, Nathaniel G. . . 1864
Tierney, Patrick F. 1882, '83, '89, '90
Towne, Joseph H. . . . 1859
Townsend, Penn[2]
Trask, Thomas 1847, '49, '50, '51, '52
Tuckerman, Leverett S. . 1882
Turner, James H. 1890, '91, '92, '93
Turner, Ross S. 1895
Upton, Benjamin . 1839, '40, '41
Upton, Charles . . . 1860,[3] '61
Upton, George . . . 1856, '74
Varney, George W. 1886, '87, '88
Very, Nathaniel A. . . . 1885
Walcott, Samuel B. . . . 1853
Ward, Andrew 1849
Wardwell, Henry 1891
Waters, David P. 1895
Waters, John 1836
Waters, Thomas S. . . 1867, '69
Waters, William D. . . . 1847
Way, Oliver D. 1884, '86, '87, '88
Webster, John . . . . 1863, '64[4]
Webb, Benjamin . . . 1854, '55
West, Arthur W. . 1891, '92, '93
Weston, Nathaniel . . . 1844
Wheatland, George . . 1842, '43
Whipple, Henry 1836
Wiggin, Pierce L. 1842, '43, '44, '45
Williams, John S. . . . 1842
Williams, Urban R. 1882, '83, '86, '87, '88

[1] Elected in 1855, but declined.
[2] See note to David Nichols.
[3] See previous note to Alvah A. Evans.
[4] Elected in 1860, but declined.

PRESIDENTS OF THE COMMON COUNCIL.

JOHN GLEN KING	1836, '37
RICHARD SALTONSTALL ROGERS	1838
JOHN RUSSELL	1839, '40, '41
JOSHUA HOLYOKE WARD	1842, '43, '44[1]
DAVID PUTNAM	1844[2]
JOSEPH GEORGE SPRAGUE	1845, '46, '47
JONATHAN COGSWELL PERKINS	1848
BENJAMIN WHEATLAND	1849, '50, '51
JOHN WHIPPLE	1852, '53
DANIEL POTTER	1854, '55
JOHN WEBSTER	1856
WILLIAM CROWNINSHIELD ENDICOTT	1857
STEPHEN BRADSHAW IVES	1858
HENRY LAURENS WILLIAMS	1859
JAMES HERRICK BATTIS	1860
STEPHEN GOODHUE WHEATLAND	1861, '62
WILLIAM GARDNER CHOATE	1863, '64
GILBERT LEWIS STREETER	1865, '70, '71 '72
CHARLES STUART OSGOOD	1866, '67, '68, '69
WILLIAM MILLETT HILL	1873, '74, '75[3]
GEORGE WASHINGTON WILLIAMS	1875[4]
GEORGE HENRY HILL	1876
ARTHUR LORD HUNTINGTON	1877, '78
WILLIAM AUGUSTUS HILL	1879, '80
JOHN MARSHALL RAYMOND	1881, '82
WILLIAM LEONARD	1883
CHARLES HIRAM INGALLS	1884
JOHN ROBINSON	1885, '86
WILLIAM EDWIN MEADE	1887, '88
CYRUS ANSON JORDAN	1889, '90
CLIFFORD BRIGHAM	1891, 92, '93
J. CLIFFORD ENTWISLE	1894
ALVAH T. NEWHALL	1895

[1] Mr. Ward resigned September 2, 1844, and David Putnam was chosen president for the remainder of the municipal year.

[2] See note to J. H. Ward.

[3] Mr. Hill was elected January 4, and resigned January 14, 1875, to accept the office of city marshal, and George W. Williams was chosen president for the remainder of the municipal year.

[4] See note to William M. Hill.

COMMON COUNCIL.

Abbott, Israel C. . . . . 1865[1]
Adams, Joseph 1841
Allen, Edward 1856
Allen, George 1856
Allen, George L. . . . . 1890, '91
Allen, Nathaniel K. 1847, '48, '49, '50, '51
Almy, James F. 1864, '65, '66, '67
Anderson, John M. 1872
Andrew, Charles A. 1840, '41, '42, '43[2]
Andrews, Gilman 1857
Andrews, Gilman A. 1878
Andrews, Joseph . . . 1849, '50
Annable, E. Augustus . . . 1882
Annable, Ephraim . . . . 1850[3]
Appleton, Nathaniel . 1837, '38, '39
Archer, Charles F. W. . 1884, '85
Archer, William, Jr. . . 1854, '55
Arey, Ruben 1884
Arnold, Edward B. . . 1850, '51
Ashton, William B. . . . 1865[4]
Austin, Joseph L. 1888
Austin, Richard . 1841, '42, '43, '44
Averill, James W. . . . 1872, '73
Averille, Arthur A. . . 1893, '94
Balch, E. Frank . . . . 1876[5]
Balcomb, Charles B. . . 1889, '90
Balcomb, Henry W. . . 1877, '78
Barker, Henry M. 1861
Barstow, Benjamin . . . 1861[6]
Batchelder, Albert W. . . 1891
Batchelder, John A. . . 1875, '76
Batchelder, John H. 1865, '66, '67, '68, '69
Battis, Edward C. 1881
Battis, James H. 1854, '55, '56, '57, '60
Beckford, Charles A. . . . 1865[7]
Bell, John H. . . . . 1865[8]
Benjamin, Charles A. 1874, '76, '77
Berry, Richard N. . . . . 1847[9]
Bertram, John . . . . 1837, '38
Bertram, Joseph H. M. . . 1864
Blake, Augustus S. . . 1882, '83[10]

[1] Israel C. Abbott resigned, and May 31, 1865, James O. Safford was elected to fill the vacancy.

[2] Stephen Osborne was elected July 8, 1843, *vice* Andrew, deceased.

[3] Nathaniel Horton was elected January 20, 1851, *vice* Annable, deceased.

[4] Charles A. Beckford resigned, and March 25, 1865, William B. Ashton was elected to fill the vacancy.

[5] E. Frank Balch resigned, and October 4, 1876, William Leonard was elected to fill the vacancy.

[6] Elected in 1858, but declined.

[7] See previous note to William B. Ashton.

[8] John H. Bell was elected January 18, 1865, *vice* Henry D. Johnson, who refused to serve.

[9] Richard N. Berry resigned March 29, 1847, an error having been made in the ward return, and April 5, 1847, Nathaniel B. Perkins was declared entitled to the seat, and was qualified April 12, 1847.

[10] Augustus S. Blake resigned May 28, 1883, and Charles H. Ingalls was elected to fill the vacancy July 9, 1883.

Boardman, Benjamin S . . 1860[1]
Bousley, George E. . . 1880, '81
Bovey, James G. 1874
Bowen, Joshua L. . . . 1894, '95
Bowker, Joel 1842
Breed, Hubbard . . 1878, '79, '81
Brewster, Ira A. . . . 1839, '40
Brigham, Clifford 1890, '91, '92, '93
Brooks, Augustus T. 1849, '50, '51, '53
Brooks, John 1856
Brooks, John F. . . . 1874, '75
Brooks, John G. . . . 1840, '41, '42, '46, '47, '48, '49
Brooks, William A. . . 1870, '71
Brown, Charles E. . . 1870, '71
Brown, C. Warren 1871
Brown, Daniel, Jr. . . . 1857
Brown, Edward 1854
Brown, Edward F. . . . 1808
Brown, Edward F. . . 1882, '83
Brown, Edward H. . . 1892, '93
Brown, Geo. F. . . 1846, '47, '48
Brown, Henry 3d. . . 1856, '57
Brown, Horace . . . 1881, '82[2]
Brown, James M. . . . 1860, '61
Brown, Jonathan . 1841,[3] '42, '47
Brown, Joshua . 1872, '73, '74, '75
Brown, Nehemiah 1837, '38, '39, '40
Brown, Nehemiah, Jr. 1849, '50, '51, '52, '53
Brown, S. Augustine . . 1875, '76
Brown, Samuel 3d. . . 1852, '53
Brown, William B. 1857
Browne, Albert G. . . . 1844
Bruce, Robert P. 1877
Buffum, William P. 1860
Burbeck, William H. 1865, '66, '67, '68
Burger, Stephen . 1882, '83, '84
Butman, Francis C. 1866, '67, '68
Byrne, James . . 1884, '85, '86,
Caller, James M. 1857, '58, '66, '67, '68
Calley, Samuel . 1860, '61, '62, '69
Calley, William 1855
Carey, J. Henry . . . 1881, '82
Carlton, Frazier 1836
Cass, William F. 1888, '89, '90, 91
Chadwick, John 1836
Chamberlain, James . 1836, '37, '38
Chamberlain, John B. . 1892, '93
Chapman, George R. 1859, '60, '61, '62, '71
Chapman, John . . . 1838, '39
Chapman, William O. . 1890,[4] '91
Chapple, William D. . 1894, '95
Chaput, Paul N. 1894
Chase, Charles H. . . 1870, '71
Chase, Stephen A. 1836, '37, '38
Chase, William 1841, '42, '43, '48
Chase, William H. . . . 1842
Cheever, Ira . 1838, '39, '40, '41
Cheever, James W. . . . 1838
Chipman, Andrew M. 1849, '50, '56
Choate, William G. 1859, '60, '61, '62, '63, '64[5]
Clark, Charles S. 1863, '64, '65, '61
Clark, Clarence S. . . 1890, '91, '92
Cleaves, Joshua . . . . .1870[6]
Cleveland, William A. . . 1895

[1] Benjamin S. Boardman and William Goodhue, Jr., were elected January 17, 1860, *vice* Stephen Curran and James H. Conrey who refused to serve.

[2] Horace Brown resigned May 8, 1882, and George S. Silsbee was elected to fill vacancy June 5, 1882.

[3] Jonathan Brown was elected March 19, 1841, in place of William Peele, who declined to serve.

[4] Elected April 29, 1890 to fill vacancy.

[5] William G. Choate was elected January 18, 1864, *vice* Charles H. Price, who declined to serve.

[6] Joshua Cleaves was elected January 17, 1870, *vice* William H. Johnson, who declined to serve.

Coffey, James . . . . . 1890[1]
Cogswell, Arthur C. . . . 1889
Coker, John J. K. 1888
Colby, Samuel . . 1839, '40, '41, '42[2]
Colby, William C. 1860
Colby, William R. . . 1877, '78
Colgan, John B. . . . 1884, '85
Collins, Edward . . 1870, '71, '73[3]
Collins, George A. . . 1884, '85
Collins, William F. M. 1878, '79 '80
Conolly, Horace L. . . 1849, '50
Connolly, Richard 1895
Conrad, David 1867
Conrey, James H. . . . 1858, '59[4]
Conway, John H. 1873, '74, '75
Cornelius, Alonzo G. . . . 1843
Cousins, Thomas, Jr. . . 1866
Cox, John B. 1879
Creamer, George 1858
Creesy, George W. . . 1887, '88
Crocker, Josiah M. 1876, '77, '78
Cross, Joseph S. 1866
Cummings, Harlan S. . . 1894
Cunningham, Lawrence 1876, '77
Curran, Stephen . . . 1858, '59[5]
Curtis, Charles E. . . . 1889
Curwen, James B. . . . 1861
Cutler, Nathan P. 1881, '82, '83
Dalrymple, Frank T. 1878, '79, '80
Dalrymple, Simon O. 1850, '51, '52
Dalton, Edward H. 1849, '50, '51
Dalton, Joseph . 1839, '40, '41
Dalton, Joseph A. . . . 1853
Dalton, J. Frank . . . 1872,[6] '73
Danforth, Charles H. . . 1891
Danforth, Samuel G. . 1860, '62
Daniels, Stephen . . . . 1841[7]
Davis, John H. 1872, '73,[8] '74, '75, '76
Davis, Thomas L. 1892, '93, '94, '95
Day, Albert . . 1879, '80, '81
Day, Amos P. . . . . 1857, '58
Dean, James F. 1879
Dean, Patrick . . . . 1881, '82
Delury, John H. 1894
Dennis, Benjamin S. 1881, '82, '83
Dennis, Devereux. 1872, '73, '74
Dickson, Walter S. . . 1873, '74
Dodd, Michael A. . . . 1885
Dodge, Charles W. . . . 1881
Dodge, Edwin H. 1878, '79, '80
Dodge, Pickering[9]
Donovan, John . . . 1875, '76
Downes, William H. . 1878, '79
Doyle, Michael J. . . . 1895
Driscoll, Daniel 1879
Driver, John S. . . . . 1858[10]
Driver, Stephen, Jr. . . 1842
Driver, Stephen P. 1866, '67, '68, '69
Dudley, Albion M. . . 1887, '89

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[1] Seat declared vacant by common council in January, and elected at special election held February 4, 1890.

[2] Samuel Colby resigned, and September 8, 1842, Samuel Grant was elected to fill the vacancy.

[3] See note to John E. A. Todd.

[4] Elected in 1860, but declined.

[5] Elected in 1860, but declined.

[6] J. Frank Dalton was elected February 19, 1872, *vice* Nathaniel M. Jackman, who resigned to accept the position of City Marshal.

[7] Stephen Daniels was elected March 17, 1841, in place of Pickering Dodge, who declined to serve.

[8] Horace S. Perkins, by a mistake in the count of votes, received the certificate of election, and took the seat to which the council, on petition, declared John H. Davis entitled, by their vote of February 10, 1873.

[9] Elected in 1841, but declined to serve.

[10] John S. Driver was elected February 8, 1858, *vice* Benjamin Barstow, who refused to serve.

Dugan, James . . 1866, '67, '68
Eagleston, John H. . . . 1854[1]
Egan, Patrick D. . . . 1875, '76
Elwell, Charles P. . . . 1862
Emerton, James 1853
Endicott, William C. 1852, '53, '57
Entwisle, J. Clifford 1892, '93, '94
Evans, Alvah A. 1854
Evans, Alvan A. . . . 1887, '88
Fabens, Augustus J. 1890, '91, '92, '93
Fabens, Charles H. . . . 1857
Fabens, Francis A. 1841, '42, '43
Fairfield, James, Jr. 1867, '68, '69
Farless, James A. . . . 1856
Farless, Thomas 1840
Farnham, Putnam I. 1836, '37, '38
Felt, Benjamin, Jr. . . . 1845
Felton, William S. . . . 1895
Ferguson, Willard B. . 1884, '85
Fiske, Joseph E. . 1847, '48, '49
Fitz, Daniel P. 1856
Flint, John C. . . . . 1894, '95
Flint, Simeon . 1857, '58, '59, '60
Florence, Thomas T. . . 1860
Florentine, Arthur P. . . 1887
Flynn, Michael H. 1889, '90, '91, '92, '93
Fogg, Stephen . 1836, '37, '38
Foley, Edward . 1870,[2] '71, '73
Forness, Arthur A. . . . 1888
Foster, Edwin O. . . 1883, '84
Foster, Isaac P. . . . 1840, '41
Foster, Isaac P., Jr. . . 1877, '78
Foster, Josiah . . . . 1842, '43
Foster, Samuel B. . . 1854, '61
Fowler, Charles B. 1874, '75, '76
Frothingham, Thomas H. . 1856
Fullam, William H. 1893, '94, '95
Fuller, Henry O. . . . 1890, '91
Fuller, Samuel, ... 1862
Gage, Andrew, Jr. . . 1854 '55
Gardner, Daniel B. . . 1880, '83
Gardner, William D. . 1883, '84
Gardner, William F. . . 1865
Gavett, Charles 1865
Getchell, Benjamin W. . 1875, '76
Gifford, George A. 1890, '91, '92
Gifford, James B. . . . 1879, '80
Gifford, Rufus B. 1855, '56, '63, '64, '65, '70
Gifford, Thomas J. . . 1857, '61
Glover, George D. 1862, '63 '64, '65 '66, '67, '68, '69
Goldthwait, Aaron, Jr. . 1862, '69
Goldthwait, Edward A. 1856, '66, '67, '68
Goodhue, Moses 1848
Goodhue, Samuel V. . . 1864
Goodhue, William . . 1836, '37
Goodhue, William, Jr. . . 1860[3]
Goodhue, William P. . 1849, '54[4]
Graham, John E. . . . 1889, '91
Grant, Samuel . . 1842,[5] '43, '44
Green, Charles . 1859, '60, '61
Griffith, Thomas . . . 1847, '48
Grover, John 1855
Hale, James F. . . . 1879, '80
Hall, Edwin A. . 1884, '85, '86
Hamond, William C. 1856, '60, '70, '71
Hamond, William G. . 1891, '92
Handy, Kelly W. . . . 1885, '87
Hanson, Elijah A. 1842, '43, '44, '45, '46

[1] John H. Eagleston resigned, and Caleb A. Smith was elected to fill the vacancy November 13, 1854.
[2] Edward Foley was elected January 17, 1870, *vice* Stephen Whipple, who refused to serve.
[3] See previous note to Benjamin S. Boardman.
[4] William P. Goodhue was elected March 16, 1854, *vice* Stephen Whipple, who refused to serve.
[5] See note to Samuel Colby.

Hardy, Augustus . . . 1855, '56
Hardy, Temple . . . . 1877[1]
Harrington, Charles . . 1858, '59
Harrington, Henry . . . 1870
Harrington, Leonard B. . 1841
Harris, George R. 1877, '78, '79
Harris, Israel P. 1860
Harris, Walter C. 1881, '82, '83, '87, '88
Harris, Walter L. . . 1882, '84
Harris, Walter S. . . 1855, '56
Harris, William S. . . 1888, '89
Hartigan, John J. 1879, '80, '81, '82, '83
Hartnett, Thomas . . 1893, '94, '95
Haskell, Daniel C. . . 1854, '55
Hatch, Elbert J. 1893
Hatch, Lemuel B. 1847, '48, '50, '51, '52, '53
Hathaway, Eleazer . . . 1855
Hathaway, George G. 1891, '92, '93
Hathaway, John 1876
Hawes, Benjamin F. . . 1877, '78
Hayward, Clarence 1884, '85, '86, '87
Hebron, James J. 1874
Henderson, Daniel . . . 1859
Hersey, Freeman C. . 1886, '87, '88
Hill, George H. 1872, '73, '74, '75, '76
Hill, William A. 1877,[2] '78, '79, '80
Hill, William E. . . . 1892, '93
Hill, William M. 1872, '73, '74, '75[3]
Hiltz, Jacob C. . . . 1872, '73, '77
Hobbs, Edward . . 1883, '84, '85
Hodgdon, George C. . . 1851, '52
Hodges, Edward 1857
Hodges, John 1843
Hodges, Joseph 1836
Holden, Nathaniel . . . 1856
Horton, Nathaniel . . 1849, '51[4]
Horton, Nathaniel A. . 1861, '62
Howard, John, Jr. . . . 1839
Howard, John C. 1851
Howe, John J. . . . . 1883, '84
Hubon, Henry G. . . . 1855, '56
Hunt, Joseph . . . . . 1854[5]
Hunt, Thomas 1855
Hunt, William 1836, '37, '38, '45, 46, '47, '49, '50
Huntington, Arthur L. 1875,[6] '76, '77, '78
Huse, John 1858
Hyde, William L. . . . 1885, '86
Innis, Charles W. 1885
Ingalls, Charles H. . . 1883,[7] '84
Ives, John S. Jr. . . . 1890, '91
Ives, Henry P. 1865
Ives, Stephen B. 1840, '41, '52, '58
Jackman, Nathaniel M. 1872,[8] '80, '81, '82
Jewett, Daniel H. 1858, '61, '62, '63
Jewett, John 1839, '40, '50, '51, '52, '53
Jewett, Thomas S. . . . 1852, '53
Jocelyn, Edwin . . . . . 1854[9]
Johnson, Daniel H. . . . 1880
Johnson, Henry D.[10]
Johnson, Thomas H. . . 1861, '62
Johnson, William H.[11]
Jordan, Cyrus A. 1887, '88, '89, '90

[1] Deceased November 25, 1877. No election to fill vacancy.
[2] See note to Isaac W. Shannon.
[3] William M. Hill resigned to accept the office of city marshal, and Arthur L. Huntington was elected to fill the vacancy January 26, 1875.
[4] See note to Ephraim Annable.
[5] Edwin Jocelyn was elected August 2, 1854, *vice* Joseph Hunt, deceased.
[6] See note to William M. Hill.
[7] See note to Augustus S. Blake.
[8] See previous note to J. Frank Dalton.
[9] See previous note to Joseph Hunt.
[10] Elected in 1865, but declined.
[11] Elected in 1870, but declined.

Keating, James . . . 1874, '75
Kenney, Jonathan A. . 1857, '60[1]
Kimball, Abraham . . 1839, '40
Kimball, Eben W. . . . 1862
Kimball, George . . . 1854, '55
Kimball, James 1839, '40, 41, 42, '43, '54
Kimball, James S. 1853
Kimball, John E. . . . 1889, '90
Kimball, William 1839, '40, '41, '42, '43
King, James . . . . . 1842, '43
King, John G. . . . . 1836, '37
Kingsley, Frank D. . . . 1893
Kingsley, George W. . . . 1876
Kinsman, William L. . . . 1880
Knight, Edmund F. . . 1894, '95
Lakeman, Ebenezer K. 1836, 37, '38 39, '50, '51, '52
Lamson, Charles 1858, '59, '62,[2] '63, '64, '65
Lane, Edward B. 1853
Layton, Thomas H. . . . 1892
Lefavour, Thomas H. . 1844, 59
Leonard, William 1876,[3] '81, '82, '83
Little, Philip 1891
Lord, Andrew . . . 1846, '47, '48
Lord, Daniel . . . . 1843, '44
Lord, James A. 1856
Lord, William S. . . . 1874, '75
Lougee, Joseph L. . . 1875, '76
Lovett, John T. 1886
Luscomb, Charles B. . . . 1855
Luscomb, Henry, Jr. . . 1854
Luscomb, William E. 1880, '81, '86, '87
Mack, Elisha . 1845, '46, '47, '48
Mack, John J. . . . . 1881, '82
Mackenzie, Roderick A. 1868, '69
Macintire, John H. . . 1851, 52
Maloon, William 1863, '64, '65, '66, '67, '68, '69
Manning, Charles H. . . 1861
Manning, Richard C. . 1863, '64
Mansfield, Benjamin . . . 1893
Mansfield, Ira . . . . 1867, '68
Mansfield, Micajah B. . . 1863[4]
Mansfield, Nathaniel B. 1844, '45
Mansfield, William B. . 1890, '91
Marden, Lewis W. . . . 1895
Martin, William F. . . . 1888
Martin, William P. 1857, '66, '67, '68, '69
Masury, John . . 1842, '43, '44
Masury, S. Frank . . . 1892
Maynes, William 1871
McCrillis, Ransom F. . . 1892
McCusker, Patrick J. . . 1883
McIntire, William E. 1865, '66, '67, '68, '69
McIntire, William S. 1884, '85, '86
McIntyre, Thomas J. . . 1874, '76
McKean, William 1879, '80, '81
McKeever, William . . 1875, '76
McMullen, William . . . 1859
McNiff, Peter . . 1891, '92, '93
McNulty, John J. . . 1890, '91
Meade, William E. 1885, '86, '87 '88
Melcher, George B. 1870, '71, '72
Merrill, Eugene H. . . . 1892
Merrill, Samuel A. . . 1858, '59
Merrill, Samuel S. . . 1882, '83
Merritt, David[5]
Millea, Lawrence E. . . 1878
Miller, Ephraim F. 1844,[6] '45, '46
Mirick, Stephen 1838

[1] Jonathan A. Kenney resigned, and Charles H. Norris was elected to fill the vacancy, March 19, 1860.
[2] See note to John H. Wilkins.
[3] See note to E. Frank Balch.
[4] See note to Ripley Ropes.
[5] Elected in 1863, but declined to serve.
[6] See note to Joshua H. Ward.

Monaghan, Daniel A. . . 1875
Monaghan, John P. . . . 1874
Mooney, John T. . . . 1869, '70
Moore, David . . . . 1838, '39
Moulton, Joseph C. . . 1885, '86
Moulton, Joshua W. . . . 1857
Mudgett, George W. . . 1893
Mullett, George W. . . . 1842[1]
Murphy, James L. . . . 1892
Murphy, John H. . . . 1894
Nagle, Richard 1886
Nash, Dennis J. . 1893, '94, '95
Nason, Benjamin F. . . 1895
Needham, Thomas, 1844, '45 '46 '47 '48, '49, '50
Neville, William P. . . 1888, '89
Newcomb, George L. 1844, '45, '46, '47
Newhall, Alvah T. 1891, '92, '93, '94, '95
Newhall, James S. . . 1873, '74
Newhall, John F. . . . 1864
Nichols, David . 1847, '48, '49
Nichols, James B. 1860, '66, '67, '68, '69
Nichols, Samuel 1843, '44, '45, '46
Nichols, Thomas, Jr. 1851, '52, '53, '63, '64, '65, '66
Nichols, William H. . . 1875, '76
Nichols, William S. . . 1891, '92
Noonan, Michael J. 1884, '85, '86
Norris, Charles H. 1860,[2] '61, '62
Northend, William D. . 1862, '72
Norton, Thomas H. . . . 1886
Noyes, Enoch K. . . . 1855, '61
Ober, Andrew . . 1866, '67, '68
O'Brien, Daniel J. 1882, '83, '84, '85, '86, '87, '88, '91
O'Brien, Martin, . . . 1882, '83
O'Keefe, Patrick 1886
O'Keefe, William B. . . . 1886
Oliver, Henry K. . 1836, '37, '38
Osborn, Josiah B. 1866, '67, '68, '69
Osborne, Aaron 1861
Osborne, Charles H. . . 1895
Osborne, Stephen 1843,[3] '44, '45, '46
Osgood, Charles S. 1864,[4] '65, '66, '67, '68, '69, '73
Osgood, John C. . . . 1863, '64
Osgood, Joseph 1871
Osgood, Joseph B. F. 1849, '50, '51, '52, '53
Page, Jeremiah 1853
Palfray, Arthur S. . . 1887, 88
Palfray, Warwick, Jr. 1836, '37, '38[5]
Palmer, William H. 1353, '64, '65, '70
Patterson, Nathaniel C. 1870, '71, '72, '73
Peabody, George . . . . 1842[6]
Peabody, George L. . . . 1889
Peabody, Samuel E. . . . 1853
Peck, Walter F. . . . 1889, '90
Peele, Robert, ... 1847
Peele, William[7]
Peirson, George H. . . . 1857
Peirson, Horatio P. . . 1894, '95
Pendar, Samuel D. . . . 1889
Perkins, Aaron 1846, '47, '48, '49
Perkins, Benjamin M. . . 1859
Perkins, Daniel, Jr. . 1852, '53
Perkins, Edward A. . 1889, '90[8]
Perkins, George H. 1877, '78, '79

[1] See note to John Russell.
[2] See note to Jonathan A. Kenney.
[3] See note to Charles A. Andrew.
[4] Charles S. Osgood was chosen January 18, 1864, *vice* Benjamin R. White, who refused to serve.
[5] Stephen P. Webb was elected September 5, 1838, *vice* Warwick Palfray, Jr., deceased.
[6] George Peabody resigned, and August 6, 1842, Jeremiah S. Perkins was chosen to fill the vacancy.
[7] Elected in 1841, but declined to serve.
[8] Died March 16, 1890.

Perkins, Horace S. 1873,[1] '74, '77, '78
Perkins, Jeremiah S. . . 1842 [2]
Perkins, Jonathan C. 1840, '45, '46, '47, '48,
Perkins, Nathaniel B. 1844, '45, '47,[3] 56
Perkins, Nathaniel B., Jr. 1865, '71, '72, '79
Perley, Jonathan, jun. . 1854, '55
Perry, Horatio 1836, '37, '38, '39, '40, 41 [4]
Perry, Jairus W. 1858[5], '59, '61, '62, 63, '64
Perry, William . . . . 1885 [6]
Peterson, Joseph N. . . . 1881 [7]
Pettingell, Charles C. . . 1869
Phelps, William, Jr. . . . 1848
Phippen, Joshua . 1849, '50, '52
Pickering, John, Jr. 1871, '73, '74
Pingree, Thomas P . 1836, '37
Pinkham, Charles, H., Jr. 1884, '85 [8]
Pitman, George W. . . . 1894
Plummer, George E. . 1893
Potter, Daniel 1842, '43, '44, '45, '46, '48, '54, '55, '69, 70
Potter, James . . . . 1844, '45
Potter, Jesse S. 1890
Potter, Samuel A. 1878, '79, '80
Pousland, Charles F. . . 1884, '85
Pousland, William P. . 1883, '84
Preston, John 1858, '59, '60, '62, '63, '64, '65, '69, '70, '71, '72
Price, Charles H. . . . . 1863 [9]
Prime, James M. . 1857, '61, '62
Prime, Thomas H. . . 1863, '64
Pulsifer, David, Jr. 1836, '37, '38, '39
Pulsifer, Nathaniel . . . 1861
Putnam, Charles A. 1857, '58, '63
Putnam, David 1836, '37, '38, '42, '43, '44, '45
Putnam, George F. . . 1858, '59
Putnam, Nathan 1854
Quinn, Thomas 1864
Raymond, John M. . . 1881, '82
Read, Charles W. . 1888, '89
Reeves, Robert W. . . . 1867
Reith, William, Jr. . . 1877, '78
Reynolds, John W. . . 1871, '72
Rhoades, John . . 1854, '55
Richardson, Charles M. 1845, '46, '47, '48, '49, '50
Richardson, Charles W. . 1880
Rideout, Justin[10]
Rideout, Nathaniel . . . 1845
Riley, James . . 1875, '79, '80
Riley, John M. 1889
Robbins, Jesse . . . 1894, '95
Roberts, David 1837, '38, '39, '41, '45
Roberts, John H. . . . 1871
Roberts, William S. 1850, '51, '52, '53, '60
Robertson, Stratton W. . 1854
Robinson, John 1882, '83, '84, '85, '86

[1] See note to John H. Davis.
[2] See previous note to George Peabody.
[3] See note to Richard N. Berry.
[4] Re-elected in 1842, but died before organization of city government.
[5] Jairus W. Perry and George Upton were elected January 18, 1858, *vice* Albert Whipple and Andrew J. Tibbets, who refused to serve.
[6] See note to Charles H. Pinkham, jun.
[7] Joseph N. Peterson resigned July 20, 1881, and Charles H. Symonds was elected to fill the vacancy August 8, 1881.
[8] Charles H. Pinkham, jr. resigned April 13, 1885, and William Perry was elected to fill the vacancy and took his seat May 25, 1885.
[9] Elected in 1864, but declined.
[10] Ripley Ropes elected in place of Justin Rideout, who was elected, but declined. Ripley Ropes resigned, and April 24, 1863, Micajah B. Mansfield was elected to fill the vacancy.

Robson, Matthew . . 1877, '78
Rogers, Augustus D. . . 1854
Rogers, George W. . . . 1879
Rogers, Richard S. 1836, '37, '38
Roles, Samuel, Jr 1856
Rollins, William H. . . . 1895
Ropes, Charles A. . . 1858, '59
Ropes, Edward D. 1876, '77, '78
Ropes, George . . . 1869, '70
Ropes, James . 1841, '58, '59, '60
Ropes, John T. . 1863, '64, '65
Ropes, Reuben W. 1889, '90, '91
Ropes, Ripley . . . . 1853, '63 [1]
Ropes, Timothy, Jr . 1839, '40, '51, '52
Ropes, Willis H. . . . 1886, '87
Rowell, Edward F. . . . 1885
Russell, Benjamin W. . . 1877
Russell, George, G. 1882, '83, '89, '90
Russell, Henry, Jr. 1843, '46, '47
Russell, John 1836, '37, '38, '39, '40, '41, '42[2], '46, '47, '48, '49
Russell, John W. 1862, '63, '64, '71, '72
Rust, George P. . . . 1872, '73
Ryan, James G. 1886, '87, '88, '89
Safford, James O. 1865[3], '66, '67, '78
Safford, Joshua 1848
Sanborn, Franklin T. . 1851, '52, '61
Sanborn, Theophilus . . . 1844
Sargent, Winthrop 1836, '37, '38, '50
Saunders, Joseph B. . . 1893, '94
Saunders, Thomas M. . 1844, '45
Savory, Tristam T. . . 1877, '78
Sawyer, Howard B. . . . 1889
Scott, Robert 1885
Shallow, William A. . . 1887, '88
Shannon, Isaac W. . . . 1877 [4]
Shaw, Xenophon H. . . 1854, '55
Sheehan, John J. . . . 1882, '83
Shepard, John B. . 1851, '52, '53
Shepard, Michael . . 1836, '37, '38
Shepard, Stephen W. . . 1836
Sheridan, Philip . . . 1883, '84
Shoules, Walter U. . . . 1881
Shreve, Octavius B. . . . 1870
Sibley, Joseph A. 1887
Silsbee, George S. . . . . 1882 [5]
Silsbee, John B. . . . 1843, '44
Simonds, Nathaniel G. . . 1877
Simonds, Samuel . . . 1840, '41
Skinner, Charles E. . 1871, '72, '73
Skinner, Richard, Jr. . . 1862
Slocum, Ebenezer 1845, '46, '47, '49
Smith, A. Augustus 1865, '66, '67, '68 69, 70, '71
Smith, Alonzo H. . . 1880, '81, '82
Smith, Caleb A. . . . . 1854 [6]
Smith, Dana Z. 1855, '56, '58, '59, '60
Smith, George H. 1836
Smith, George H., Jr. . . 1855
Smith, Henry B. 1848, '49, '50, '51, '52
Smith, Jesse, Jr. 1837
Smith, John R. . . . 1854, '55
Smith, Lyman A. 1870, '71, '72, '73
Somerby, John P. . . . 1874, '75
Spencer, John E. . . 1893, '94, '95
Sprague, Joseph G. 1839, '40, '42, '45, '46, '47
Standley, Samuel S. 1842, '43, '44
Staples, A. Joseph 1892, '93, '94, '95
Stickney, George A. D. . . 1892

[1] See previous note to Justin Rideout.
[2] John Russell resigned, and April 2, 1842, Samuel Ward was elected to fill the vacancy, but died before taking his seat, and George W. Mullett was elected May 14, 1842, in his place.
[3] See note to Israel C. Abbott.
[4] Isaac W. Shannon deceased September 4, 1877, and William A. Hill was elected to fill vacancy.
[5] See note to Horace Brown.
[6] See note to John H. Eagleston.

Stimpson, James C. 1839, '40, '44,' 45
Stoddard, Daniel, . . . 1852, '53
Stodder, Simon 1863
Story, Augustus 1848, '49, '50, '51
Stowe, Volney C. 1848, '54, '55, '57, '70, '71, '72
Streeter, Gilbert L. 1862, '63, '64, '65, '69, '70, '71, '72
Sullivan, William J. 1887, '88, '89
Symonds, Benjamin R. 1863,[1] '64, '65
Symonds, Charles, E. . 1854, '92
Symonds Charles H. 1881,[2] '85, '86
Symonds, Dean C. . . . 1857
Symonds, George H. . . 1883
Symonds, John D. . . 1844, '45
Symonds, Joseph . . . 1870, '71
Symonds, J. Clifton . . . 1894 [3]
Symonds, Thomas S. . . .1890, '91
Thayer, Oliver 1843
Thurston, Henry W. . 1868, '69
Tibbetts, Andrew J. 1859, '74, '75, '76 [4]
Tierney, Patrick F. . . 1880, '81
Todd, John E. A. . . 1872, '73 [5]
Touret, Benjamin A. . 1889, '90
Towle, Abraham . 1863, '69, '70
Towne, John C. . . . 1876, '77
Townsend, Penn . . . . 1854 [6]
Trask, Thomas 1846
Treadwell, Nathaniel R. 1866, '67, '68
Trofatter, John H. 1872, '73, '74
True, Abraham . . . 1839, '40
Trumbull, Charles W. . . 1853
Trumbull. Walter H. . 1886, '87
Tuttle, Charles H. 1875, '87, '88
Tuttle, Francis R. . . 1887, '88
Upton, George . . . . 1858 [7]
Upton, James . . . . 1846, '47
Upton, Moses T. 1856
Varney, Daniel A. . . . 1880
Varney, George W. . . 1873, '75
Very, Nathaniel A. . . 1869, '70
Walcott, Samuel B. . . 1851, '52
Walton, Eben N. . . . 1859, '60
Ward, Israel, Jr. . . . 1842, '43
Ward, Jonathan O. . . 1879, '80
Ward, Joshua H. . 1842,[8] '43, '44
Ward, Samuel . . . . . 1841 [9]
Wardwell, Henry 1890
Wardwell, John S. . . 1894, '95
Waters, John G. 1846
Waters, Joseph G. . . 1836, '37
Waters, William D. . 1839, '40, '44
Watts, William J. . . . 1894,[10] '95
Way, Oliver D. 1876, '77, '78, '79
Webb, Joseph H. 1866, '67, '68, '69
Webb, Samuel 1893
Webb, Stephen P. . . . . 1838[11]
Webber, William G. . 1876, '77, '78
Webster, John 1856

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[1] Elected in place of David Merritt, who declined to serve.
[2] See note to Joseph N. Peterson.
[3] Died March 3, 1894.
[4] Elected in 1858, but declined to serve.
[5] John E. A. Todd resigned, and Edward Collins, elected to fill the vacancy, took his seat November 10, 1873.
[6] Elected an alderman in 1855, but died without taking his seat.
[7] See previous note to Jairus W. Perry. Mr. Upton declined to serve; and a new election being held, he was re-elected, and took his seat.
[8] Joshua H. Ward was elected March 22, 1842, in place of Horatio Perry, member *elect*, deceased, and resigned September 2, 1844, and Ephraim F. Miller was elected to fill the vacancy September 7, 1844.
[9] Samuel Ward was elected in 1842 in place of John Russell resigned, but died without taking his seat.
[10] Elected April 24, 1894, to fill vacancy.
[11] See previous note to Warwick Palfray, Jr.

Webster, John C. . . . . 1860 [1]
Welch, William L. 1886, '87, '88, '90
Wendell, Frank A. . . . 1892
Wentworth, Louis E. . . 1858, '59
Wentworth, Nelson P. 1886, '87, '88, '89
Wentzell, David 1879
Wentzell, David A. . . 1894, '95
Weston, Nathaniel, Jr. . 1863, '64
Wheatland, Benjamin 1848, '49, '50 '51,
Wheatland, George . . . 1841 [2]
Wheatland, Stephen G. 1852, '53, '59, '61, '62
Whipple, Albert [3]
Whipple, Charles L. . . 1880, '81
Whipple, John 1845, '46, '47, '48 '49 '50 '51, '52, '53
Whipple, Stephen . . . . 1857 [4]
Whipple, Stephen L. . 1886, '87, '88
White, Benjamin R. 1856, '57, '58, '63 [5]
White, John 1855
Wilkins, Albert . . . . 1856, '57
Wilkins, Charles F. . . . 1873
Wilkins, John H. . . . . 1862 [6]
Williams, George W. 1861, '62, '72, '73, '74. '75
Williams, Henry L. . . 1858, '59
Williams, John S. 1839, '40, '41
Williams, John S. 1881, '82, '83, '84, '85
Williams, Urban R. 1860, '61, '62, '79, '80
Woodbury, Ezra . . . 1856, '57
Worcester, Jonathan F. . 1846

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[1] John C. Webster was elected January 17, 1860, *vice* Albert Whipple, refused to serve.

[2] George Wheatland was elected March 17, 1841, in place of Joseph G. Sprague, elected an aldermen.

[3] Elected in 1858 and 1860, but declined to serve.

[4] Elected in 1854 and 1870, but declined to serve.

[5] Elected in 1864, but declined to serve.

[6] John H. Wilkins resigned, and Charles Lamson was elected August 18, 1862, to fill the vacancy.

CITY OFFICERS.

CITY CLERKS.

JOSEPH CLOUTMAN	1836–1862
STEPHEN P. WEBB[1]	1863–1871
HENRY M. MEEK[2]	1871–1895

CITY TREASURERS AND COLLECTORS.

JONATHAN HODGES	1836
JOSEPH FELT[3]	1837–1853
HENRY B. SMITH[4]	1853–1858
CHARLES E. SYMONDS[5]	1859–1865
HENRY J. CROSS[6]	1865–1879
NATHANIEL BROWN[7]	1879
NATHANIEL A. VERY[8]	June 5, 1879, to Dec. 31, 1883
FRANCIS A. NEWELL	Dec. 31, 1883–

CITY MESSENGERS.

WILLIAM MANSFIELD[9]	1836–1879
CHARLES E. BURNS	1879–

[1] Stephen P. Webb resigned November, 1871, and Henry M. Meek was elected in his place.

[2] See note to Stephen P. Webb. Declined re-election in 1896.

[3] Joseph Felt resigned August, 1853, and Henry B. Smith was elected to fill the vacancy.

[4] See note to Joseph Felt.

[5] Charles E. Symonds resigned March, 1865, and Henry J. Cross was elected to fill the vacancy.

[6] See note to Charles E. Symonds. Henry J. Cross died May 15, 1879.

[7] Nathaniel Brown was appointed city treasurer *pro tempore*, May 16, 1879, but resigned June 2, 1879, and Nathaniel A. Very was elected June 5, 1879.

[8] Nathaniel A. Very resigned Dec. 31, 1883, and Francis A. Newell was elected to fill the vacancy.

[9] William Mansfield died September 17, 1879, and Charles E. Burns was appointed in his place.

CLERKS OF COMMON COUNCIL.

NATHANIEL CLEAVES[1]	1836–1855
JOHN S. JONES	1855–1856
JOSEPH M. NEWHALL	1857–1860
HENRY A. BROWN,	Jan. 14, 1861, to Jan. 28, 1861
EBEN N. WALTON	Jan. 28, 1861, to Jan. 7, 1884
WILLIAM F. M. COLLINS	Jan. 7, 1884

ASSESSORS.

	COMMENCED.	EXPIRED.
SAMUEL HOLMAN	May 10, 1836	April 2, 1849
JAMES ROPES	" 10, 1836	Mar. 22, 1841
JONATHAN PERLEY	" 10, 1836	Jan. 25, 1857
NATHANIEL APPLETON	Mar. 22, 1841	April 3, 1854
JONATHAN TUCKER	April 2, 1849	Mar. 28, 1853
JONATHAN TUCKER	Mar. 26, 1855	" 9, 1863
JONATHAN TUCKER	Feb. 8, 1864	Jan. 11, 1875
HENRY B. SMITH[2]	Mar. 28, 1853	Aug. 17, 1853
JAMES ROPES[3]	April 3, 1854	Mar. 26, 1855
NATHANIEL K. ALLEN	" 3, 1854	" 24, 1856
CHARLES E. SYMONDS	Mar. 24, 1856	Feb. 14, 1859
THOMAS S. JEWETT	Jan. 25, 1856	" 11, 1867
THOMAS S. JEWETT	Mar. 8, 1869	Jan. 8, 1877
THOMAS S. JEWETT[4]	Jan. 14, 1878	Aug. 13, 1883
ALLEN PUTNAM	Feb. 14, 1859	Mar. 8, 1869
JOSEPH CLOUTMAN	Mar. 9, 1863	Feb. 8, 1864
THOMAS NICHOLS, JR.	Feb. 11, 1867	" 28, 1870
J. SHOVE SYMONDS	" 28, 1870	" 26, 1872
J. SHOVE SYMONDS	" 1, 1882	Jan. 12, 1891
CALEB BUFFUM	" 26, 1872	Jan. 14, 1878
CALEB BUFFUM	Jan. 13, 1879	Jan. 31, 1882
JOSEPH W. LUSCOMB	" 10, 1876	" 10, 1879
WILLIAM C. HAMMOND	" 11, 1875	" 13, 1876
ELEAZER AUSTIN[5]	" 8, 1877	Feb. 23, 1886
NATHANIEL M. JACKMAN[6]	Aug. 20, 1883	
JAMES B. NICHOLS[7]	Feb. 24, 1886	Resigned Jan. 28, 1887
JOHN M. FOSTER	Feb. 1, 1887	Jan. 9, 1893
JOHN P. PEABODY	Jan. 12, 1891	
WILLIAM S. LORD	Jan. 9, 1893	

[1] Declined to serve.
[2] Resigned to take the office of city treasurer.
[3] Elected register of probate.
[4] Died August 13, 1883, and Nathaniel M. Jackman was elected August 20, 1883 to fill vacancy.
[5] Resigned and James B. Nichols was elected to fill vacancy, February 24, 1886.
[6] See note to Thomas S. Jewett.
[7] Resigned, and John M. Foster was elected to fill vacancy January 28, 1887.

CITY MARSHALS.

	COMMENCED.	EXPIRED.
PERLEY PUTNAM	May 17, 1836	May 24, 1847
THOMAS BROOKS	" 24, 1847	Feb. 26, 1849
NATHANIEL D. SYMONDS	Feb. 26, 1849	May 11, 1851
JOSEPH WINN	May 12, 1851	Mar. 27, 1854
NATHANIEL D. SYMONDS	Mar. 27, 1854	" 26, 1856
THOMAS B. PERKINS	" 26, 1856	Feb. 27, 1865
GEORGE W. GARDNER[1]	Feb. 27, 1865	
RICHARD SKINNER JR.	April 4, 1865	Mar. 23, 1868
GEORGE F. BROWNING[2]	Mar. 23, 1868	Aug. 9, 1871
JAMES DALRYMPLE	Sept. 11, 1871	Jan. 22, 1872
NATHANIEL M. JACKMAN	Jan. 22, 1872	Feb. 3, 1873
JAMES DALRYMPLE	Feb. 3, 1873	Jan. 13, 1875
WILLIAM M. HILL[3]	Jan. 13, 1875	Feb. 8, 1877
JOHN W. HART	Feb. 8, 1877	

ENGINEERS.

FIREWARDS.

Engineers were first elected by the City Council in 1845. Before that time they elected annually fire-wards, and the fire-wards elected from their body seven of their number to act as engineers. No record of the doings of the engineers are found prior to 1839, and therefore an accurate list prior to that time cannot be given.

ENGINEERS ELECTED BY FIRE-WARDS.

	COMMENCED.	EXPIRED.
WILLIAM SUTTON	May 11, 1836	April 14, 1856
EBEN SLOCUM, JR.	" 11, 1836	" 7, 1845
NATHANIEL WESTON,	" 11, 1836	" 10, 1844
NATHANIEL PITMAN	" 11, 1836	" 5, 1847
WILLIAM PEELE	" 11, 1836	" 5, 1841
JONATHAN WHIPPLE	" 11, 1836	" 7, 1845
ELEAZER POPE	" 11, 1836	" 4. 1838
WILLIAM LUMMUS	April 3, 1837	" 8, 1850
EZRA OSBORNE	" 3, 1837	" 9, 1849
L. B. HARRINGTON	" 10, 1844	" 27, 1846

[1] Appointed but died before he was qualified.

[2] Died August 9, 1871.

[3] Resigned as city marshal to accept appointment on state detective force.

ENGINEERS ELECTED IN 1845.

	COMMENCED.	EXPIRED.
WILLIAM SUTTON[1]	April 7, 1845	April 14, 1856
WILLIAM LUMMUS	" 7, 1845	" 8, 1850
NATHANIEL PITMAN[1]	" 7, 1845	" 5, 1847
JONATHAN WHIPPLE	" 7, 1845	" 9, 1849
EZRA OSBORNE	" 7, 1845	" 9, 1849
L. B. HARRINGTON[1]	" 7, 1845	" 27, 1846
NATHANIEL WESTON[1]	" 7, 1845	Jan. 23, 1854

ENGINEERS.

STEPHEN A. CHASE	April 27, 1846	April 9, 1849
JOHN HUSE	" 26, 1847	Sept. 28, 1857
WILLIAM CHASE[2]	" 9, 1849	Jan. 22, 1861
STEPHEN WHITMORE, JR.	" 9, 1849	April 26, 1852
JOSEPH WINN	" 9, 1849	" 26, 1852
WILLIAM P. GOODHUE	" 8, 1850	Sept. 28, 1857
WILLIAM CALLEY	" 26, 1852	April 22, 1857
ALBERT DAY	" 26, 1852	Mar. 11, 1861
NATHANIEL VERY	Jan. 23, 1854	" 22, 1858
DAVID NICHOLS	April 14, 1856	" 22, 1858
GEORGE SANBORN[3]	April 22, 1857	April 4, 1870
SAMUEL LEWIS	Sept. 28, 1857	Mar. 11, 1861
ANDREW S. WATERS	Sept. 28, 1857	Mar. 14, 1859
JAMES A. LORD[2]	Mar. 22, 1858	April 16, 1868
WILLIAM H. HONEYCOMB	April 26, 1858	Mar. 12, 1860
EDWARD MELCHER	Mar. 14, 1859	" 12, 1860
DANIEL B. LORD	" 12, 1860	" 12, 1866
WASHINGTON T. SANBORN	" 12, 1860	" 11, 1861
SIMON O. DALRYMPLE	" 11, 1861	" 28, 1864
PARKER D. WALKER	" 11, 1861	" 11, 1867
AUGUSTUS H. KIMBALL	" 11, 1861	April 1, 1872
ALVAH A. EVANS	" 11, 1861	Mar. 28, 1864
WILLIAM C. HAMOND	" 28, 1864	" 11, 1867
THOMAS J. GIFFORD	" 28, 1864	" 11, 1867
ANDREW J. TIBBETTS	" 12, 1866	April 2, 1869
DANIEL B. LORD	" 11, 1867	" 4, 1870

In 1868 the mode of choosing the heads of the fire department was changed, and the city council chose a chief engineer and six assistants, and in 1869 four assistants, and in 1888 the ordinances were amended and the city council elected a chief engineer for three years, and two assistant engineers each year for two years. The Revised Ordinances of 1895 require the election of a chief engineer for three years, and one assistant engineer each year for two years.

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[1] Declined. [2] Resigned. [3] Chosen chief in 1868.

	COMMENCED.	EXPIRED.
ALBERT DAY[1]	Mar. 11, 1867	April 23, 1867
THOMAS S. SYMONDS	Mar. 11, 1867	" 1, 1872
ALBERT DAY	" 30, 1868	" 2, 1869
JOHN FELT	April 13, 1868	" 2, 1869
JOHN H. BELL	" 2, 1869	" 5, 1875
JAMES FAIRFIELD	" 2, 1869	" 4, 1870
EZRA WOODBURY	" 4, 1870	" 7, 1873
JAMES A. LORD[2]	" 4, 1870	" 1, 1872
DANIEL B. LORD[2]	" 1, 1872	" 7, 1873
ELEAZER HATHAWAY	" 1, 1872	" 5, 1875
JOSIAH B. OSBORN	" 1, 1872	" 6, 1874
JAMES A. LORD[2]	" 7, 1873	" 5, 1875
JOHN F. STANIFORD	" 7, 1873	" 1, 1881
JOHN F. STANIFORD[2]	" 1, 1881	" 7, 1884
JOHN F. STANIFORD	" 5, 1886	" 1, 1889
CHARLES P. LUSCOMB	" 6, 1874	" 5, 1875
CHARLES P. LUSCOMB	" 3, 1876	" 7, 1884
DANIEL B. LORD	" 5, 1875	" 2, 1877
GEORGE S. HADLEY	" 5, 1875	June 14, 1886
JOSIAH B. OSBORN	" 5, 1875	April 3, 1876
JOSIAH B. OSBORN[2]	" 2, 1877	" 1, 1881
JOSIAH B. OSBORN[2]	" 7, 1884	" 5, 1886
WARREN L. MELCHER	" 5, 1875	" 3, 1876
GEORGE C. HUTCHINSON	" 3, 1876	" 5, 1886
CHARLES A. GOLDTHWAIT[3]	Mar. 14, 1881	Resigned April 23, 1881
SAMUEL A. LEWIS	July 25, 1881	April 7, 1884
SAMUEL A. LEWIS	April 5, 1886	March 7, 1892
WILLIAM O. ARNOLD	" 7, 1884	April 1, 1888
JOSEPH L. AUSTIN	" 7, 1884	" 5, 1886
JOSEPH L. AUSTIN[2]	April 5, 1886	Resigned June 14, 1886
GEORGE S. HADLEY[2]	June 14, 1886	April 2, 1888
EMERY B. SKINNER	" 14, 1886	March 12, 1894
WILLIAM O. ARNOLD[2]	April 2, 1888	
DANIEL J. SWEENEY	" 2, 1888	April 1, 1889
ARTHUR P. FLORENTINE	" 1, 1889	March 25, 1895
JAMES A. LORD, JR.	" 1, 1889	
ROBERT E. POLLOCK[4]	March 7, 1892	March 11, 1895
THOMAS S. POPE	" 12, 1894	
HOWARD C. KIMBALL	" 25, 1895	
ALBERT K. WOODBURY[5]	" 25, 1895	

[1] Resigned.
[2] Chief.
[3] Resigned April 23, 1881, and Samuel A. Lewis was elected to fill the vacancy, July 25, 1881.
[4] Resigned March 11, 1895.
[5] In place of R. E. Pollock resigned.

WATER DEPARTMENT.

WATER COMMISSIONERS.

	COMMENCED.	EXPIRED.
STEPHEN H. PHILLIPS[1]	May 22, 1865	July 9, 1866
JAMES B. CURWEN	" 22, 1865	(declined to serve).
JAMES UPTON	" 22, 1865	(declined to serve).
FRANKLIN T. SANBORN	June 26, 1865	May 22, 1868
PETER SILVER	" 26, 1865	" 22, 1868
WILLARD P. PHILLIPS	July 9, 1866	" 22, 1868
WILLARD P. PHILLIPS[1]	May 22, 1868	Nov. 16, 1869
FRANKLIN T. SANBORN[1]	" 22, 1868	" 16, 1869
PETER SILVER	" 22, 1868	June 14, 1869
NATHANIEL BROWN	July 26, 1869	(declined to serve).

WATER BOARD.

1869 — W. P. Phillips, F. T. Sanborn, N. Brown, J. C. Osgood, W. P. Martin.

1870 — W. P. Phillips, F. T. Sanborn, T. H. Frothingham, J. C. Osgood, Joshua Cleaves.

1871 — W. P. Phillips, F. T. Sanborn, T. H. Frothingham, W. A. Creesy, A. A. Smith.

1872 — W. P. Phillips, F. T. Sanborn, Charles Harrington, G. R. Chapman, J. W. Russell.

1873 — W. P. Phillips, F. T. Sanborn, Charles Harrington, G. R. Chapman, G. W. Williams.

1874 — O. P. Ricker, F. T. Sanborn, Charles Harrington, D. Z. Smith, W. G. Webb.

1875 — O. P. Ricker, F. T. Sanborn, George Upton, J. W. Luscomb, S. A. Brown.

1876 — O. P. Ricker, George Upton, Henry P. Ives, John Kinsman, S. A. Brown.

1877 — George Upton, Henry P. Ives, George R. Chapman,[2] Walter S Harris, John C. Towne.

1878 — George Upton, Henry P. Ives, William G. Webb, James B. Curwen, Francis Cox.

1879 — George Upton, William G. Webb, Francis Cox, James B. Curwen, Henry P. Ives.

1880 — George Upton, Francis Cox, James B. Curwen, Henry P. Ives, Daniel H. Johnson.

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[1] Resigned during term.

[2] Resigned during term; William G. Webb was elected to fill vacancy.

1881 — George Upton, James B. Curwen, Henry P. Ives, Daniel H. Johnson, Samuel Brown.

1882 — George Upton, James B. Curwen, Henry P. Ives, Daniel H. Johnson, Samuel Brown.

1883 — Alonzo H. Smith, Henry P. Ives,[1] Daniel H. Johnson,[2] Samuel Brown, Emery K. Benson.

1884 — Alonzo H. Smith, William Leonard, Samuel Brown, Emery K. Benson, Charles Higbee.

1885 — Alonzo H. Smith, Samuel Brown, Emery K. Benson,[3] Charles Higbee, William Leonard.

1886 — Alonzo H. Smith, Samuel Brown, Daniel B. Gardner, William Leonard, Charles Higbee.

1887 — Alonzo H. Smith, Samuel Brown, Daniel B. Gardner, William Leonard, Charles Higbee.

1888 — Alonzo H. Smith, Samuel Brown, Daniel B. Gardner, Charles Higbee, William Leonard.

1889 — Alonzo H. Smith,[4] William Leonard, Samuel Brown, Paul B. Patten, Charles Higbee, Reuben Arey.[4]

1890 — Reuben Arey, Samuel Brown, Charles Higbee, Daniel J. O'Brien, Paul B. Patten.

1891 — Reuben Arey, Samuel Brown, Charles Higbee, William Leonard,[5] Paul B. Patten. (Board abolished by ordinance passed March 23, 1891, and new board elected March 30, 1891, as given below).

1891 — Alderman Samuel A. Potter; Councilman Daniel J. O'Brien; Reuben Arey, George H. Hill,[6] Walter F. Peck.

1892 — Alderman Daniel J. O'Brien, Councilman Michael H. Flynn,[7] (Augustus J. Fabens); Reuben Arey, George H. Hill, John F. Hurley.

1893 — Alderman, Daniel J. O'Brien; Councilman, Augustus J. Fabens; William R. Colby, George H. Hill, John F. Hurley.

1894 — Alderman, Edward H. Knight; Councilman, Joseph B. Saunders,[8] (George W. Pitman); William R. Colby, Joseph W. Dane, John F. Hurley.

1895 — Alderman, J. Clifford Entwisle; Councilman, Joshua L. Bowen; William R. Colby, Joseph W. Dane, John F. Hurley.

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[1] Resigned during term; Charles Higbee was elected to fill the vacancy.

[2] Resigned during term; William Leonard was elected to fill the vacancy.

[3] Resigned during term; Daniel B. Gardner was elected to fill the vacancy.

[4] A. H. Smith resigned May 13, 1889, and Reuben Arey elected.

[5] William Leonard resigned February 2, 1891.

[6] George H. Hill elected May 4, 1891, in place of Wm. Leonard elected but declined.

[7] Resigned during year and A. J. Fabens appointed.

[8] Resigned during year and Geo. W. Pitman appointed.

CITY SOLICITORS.

The office of City Solicitor was established in 1850, since which time the following named persons have held the position:

ASAHEL HUNTINGTON	1850
STEPHEN H. PHILLIPS	1855–1857
WILLIAM C. ENDICOTT	1858–1863
JONATHAN C. PERKINS	1864–1867
JAMES A. GILLIS	1868–1883
FORREST L. EVANS	1884–

CITY OFFICERS.

WHEN ELECTED OR APPOINTED.

ELECTED AT CITY ELECTION, ON SECOND TUESDAY OF DECEMBER, ANNUALLY.

A Mayor and seven Aldermen, for the municipal year next following their election.

Four members of the Common Council from each Ward, for the municipal year next following their election.

One member of the School Committee from each Ward for three years.

IN JANUARY.

ELECTED IN CONVENTION OF CITY COUNCIL.

	PAGE
City Clerk, for one year	76
City Treasurer, for one year from first day of February	134
City Collector, for one year from first day of February	137
One Assessor, for three years from the first day of February	33
Twelve Assistant Assessors, (two from each ward) for one year from the first day of February	36

ELECTED BY CONCURRENT VOTE OF CITY COUNCIL.

Board of Health, consisting of two members of the board of aldermen and three members of the common council	179
City Auditor, for one year from first day of February	126
City Electrician, for one year from first day of February	115
City Messenger, for one year from first day of February	80

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City Physician, for one year from first day of February . 91
Clerk of the Board of Health, for one year from first day of February 181
Clerk of the Water Board, for one year from first day of February 305
Commissioner of Municipal Loan Sinking Fund, for three years from first day of February 254
Commissioner of Streets, for one year from first day of February 259
Committee on Public Property, consisting of two aldermen and three councilmen 234
Two or more Fence Viewers, for one year from first day of February 85
Two or more Field Drivers, for one year from first day of February 85
Overseers of the Poor; one member for three years, and one alderman and one common councilman for the municipal year (Chap. 422, Acts of 1895).
One Pound Keeper for each pound in the city, for one year from first day of February 85
Superintendent of Lights, for one year from first day of February 271
Superintendent of the Water Works, for one year from first day of February 305
Two Surveyors of Lumber, for one year from first day of February 200
One member of Water Board, for three years from first day of February 303

APPOINTED BY MAYOR AND ALDERMEN.

Constable for Special duty at Peabody Academy of Science, for one year from first day of February . . . 84
One or more Inspectors of Milk, for one year from first day of February 83
One or more Inspectors of Petroleum, for one year from first day of February 83

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One or more Inspectors of Vinegar, for one year from first day of February 83
One or more Measurers of Grain, for one year from first day of February 83
Superintendent of the Market 202
Two Trustees of Plummer Farm School, for five years from first day of February 85
One or more Weighers of Coal, for one year from first day of February 83

ELECTED BY BOARD OF ALDERMEN.

Superintendent of the Hay Scales, for one year from first day of February 176
Two Aldermen as members of the Committee on Water Works 302

ELECTED BY COMMON COUNCIL.

Three common councilmen as members of the Committee on Water Works 302

IN MARCH.

ELECTED BY CONCURRENT VOTE OF CITY COUNCIL.

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Chief Engineer (In 1897 and every three years thereafter) for three years from first Monday in April . . 147
One Assistant Engineer, for two years from first Monday in April 147
One or more Measurers of Wood and Bark, for one year from first day of April 324

APPOINTED BY MAYOR AND ALDERMEN.

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Superintendent of Union and Essex bridges, for one year from first day of April 38

A Registrar of Voters (in March or April) for three years from first day of May 84

One or more Inspectors of Animals and Provisions, for one year from first day of April 83, 192

Sealer of weights and Measures (or in April) for one year from first day of May 323

IN APRIL.

APPOINTED BY THE MAYOR AND ALDERMEN.

One or more Measurers of Upper Leather, (if requested by two or more citizens) for one year from first day of May 83

IN MAY.

ELECTED BY CONCURRENT VOTE OF CITY COUNCIL.

City Solicitor, for one year from first day of June . . 95

MISCELLANEOUS.

THE MAYOR AND ALDERMEN

Have full and exclusive power to appoint a city marshal and assistants, a constable or constables, and all other police officers, who shall hold office during the pleasure of the mayor and aldermen 82

They also appoint members of the Fire Department . 153

They also appoint (September) election officers . . 84

THE MAYOR

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with the approval of the city council, appoints annually before the first Monday in May, one park commissioner for five years 209

THE BOARD OF ALDERMEN

license a suitable number of undertakers, on or before the first day of July annually 70

THE COMMON COUNCIL

elect a President and Clerk in January.

THE SALEM WATER BOARD

Annually appoint an engineer and inspector.

THE BOARD OF ENGINEERS

Annually in January appoint a janitor of the central steam fire engine house 155

THE SCHOOL COMMITTEE

Annually elect a superintendent of schools; a secretary; two truant officers; and teachers for the several public schools.

CITY GOVERNMENT OF SALEM.

1896.

MAYOR, JAMES H. TURNER.

ALDERMEN.

ARTHUR A. AVERILLE.
WILLIAM H. GOVE.
WILLIAM E. HILL.
ALVAH T. NEWHALL.
HORACE N. SMITH.
GEORGE A. D. STICKNEY.
DAVID P. WATERS.

COMMON COUNCIL.

Ward One.

THOMAS L. DAVIS.
THOMAS H. FANNING.
WILLIAM H. FULLAM.
DAVID A. WENTZELL.

Ward Two.

WILLIAM D. CHAPPLE.
CHARLES W. JULYN.
CHARLES H. OSBORNE.
CHARLES H. WELSH.

Ward Three.

EDWARD C. BROWNE.
WILLIAM S. FELTON.
FRANK D. KINGSLEY.
JOHN S. WARDWELL.

Ward Four.

JOSHUA L. BOWEN.
RICHARD CONNOLLY.
MICHAEL J. DOYLE.
THOMAS HARTNETT.

Ward Five.

WILLIAM A. CLEVELAND.
JESSE ROBBINS.
WILLIAM H. ROLLINS.
GEORGE A. SHEPARD.

Ward Six.

EDMUND F. KNIGHT.
GEORGE W. MCINTIRE.
BENJAMIN F. NASON.
CHARLES E. SYMONDS.

LEGAL OPINIONS.

The office of city solicitor was established in 1850 and the following named persons have held that position:

ASAHEL HUNTINGTON	1850
STEPHEN H. PHILLIPS	1855–1858
WILLIAM C. ENDICOTT	1858–1864
JONATHAN C. PERKINS	1864–1868
JAMES A. GILLIS	1868–1884
FORREST L. EVANS	1884

The following list of legal opinions given to the city has been compiled, all being by the city solicitor unless otherwise stated. Other opinions have been given which could not be found noted or on file.

1. On the powers of school committees. Opinion of Hon. John M. Williams.—November 16, 1847.

CITY SOLICITOR HUNTINGTON.

2. Concerning the counting of votes before the close of the polls. To the warden of ward two.—November 9, 1850.

3. As to existence of public way on shore of North River. To the mayor.—November 29, 1850.

CITY SOLICITOR PHILLIPS.

4. Concerning repeal of dog law. To the mayor.—April 13, 1858.

CITY SOLICITOR ENDICOTT.

5. Upon the legality of an ordinance regulating the sale of bread. To mayor and aldermen.—August 4, 1858.

6. Concerning assessment of the highway tax. To the mayor.—August 12, 1858.

7. Concerning a supposed encroachment upon Oliver Street. To the mayor and aldermen.—October 11, 1858.

8. On the nature of the city's title to the Neck lands, and its right to dispose of them. To joint special committee.—December 27, 1858.

9. Upon authority of engineers of the fire department to contract bills for refreshments. To the mayor and aldermen.—February 28, 1859.

10. Relative to enforcement of chapter 315, acts of 1853, concerning the grade of private ways. To the mayor.—May 22, 1859.

11. Upon claim of William C. Barton, *et al.* for damages on account of accidents due to obstruction in the highway. To committee on claims.—February 28, 1861.

12. Upon authority of city council to appropriate money in favor of an officer of the city, injured while in the discharge of his duty. To joint special committee.—April 8, 1861.

13. Upon claim of B. Young for damages from widening of Creek Street in 1851. To committee on claims.—August 26, 1862.

14. As to the right of commissioned officers to bounty offered by the city. [Opinion not found on the files.]—1862.

15. As to necessity of notifying abutters before acting upon application of street railway for location of tracks or turnouts. To the mayor. — October 28, 1863.

16. Upon power to authorize street railway company to use and maintain a track outside their location on Front Street. To mayor and aldermen. — March 28, 1864.

17. Upon power of mayor and aldermen to adjudge a certain house to be a nuisance. To mayor and aldermen.— April 6, 1864.

18. Upon authority to remove street awnings. To the mayor. — April 11, 1864.

CITY SOLICITOR PERKINS.

19. Upon the registration of voters. — October 26, 1864.

20. Upon claim of H. K. Oliver to parcel of land near Hacker school house. To mayor and aldermen. — July 9, 1866.

21. Concerning posting of voting lists. To the mayor. December 1, 1866.

22. Upon election of member of common council as street commissioner. — March 11, 1867.

23. As to the duties of the Quarantine Physician. To special committee of board of health. — June 22, 1867.

24. As to payment for constructing drain in St. Peter street. To joint special committee. — October 25, 1867.

25. On the appointment and powers of police officers. To the mayor. — February 7, 1868.

CITY SOLICITOR GILLIS.

26. Upon proposed ordinance relative to sewers and drains. To committee of conference. — June 22, 1868.

27. Upon location of street railway. To the mayor. August 22, 1868.

28. That members of the city council are not eligible for appointment as members of the Fire Department. To the city council. — April 12, 1869.

29. Upon salting the track of the street railway company. To the mayor and aldermen. — February 10, 1870.

30. As to sewer assessments. To joint special committee on sewers. — April 8, 1870.

31. On the meaning of the term "executive business" in the city charter. To the board of aldermen. — May 19, 1870.

32. Concerning the "liquor laws." To the mayor. August 4, 1870.

33. As to reassessment of betterments for widening of North Street. To the mayor and aldermen. — March 23, 1871.

34. Upon the revision of the voting lists. To the mayor and aldermen. — April 27, 1872.

35. As to whether any assessment could legally be made for betterments on account of the widening of North street. To the mayor and aldermen. — March 24, 1873.

36. Upon authority of board of aldermen to revoke an order assessing betterments, and to authorize the city treasurer to make re-payments. — December 8, 1873.

37. As to water loan sinking fund. To committee on finance. — July 20, 1875.

38. On tenure of office of policemen. To the mayor. —January 1, 1876.

39. As to power to refund water loan. Opinion of P. W. Chandler. — March 21, 1876.

40. As to ball playing on Salem Common. To board of aldermen.—July 20, 1876.

41. On authority of board of aldermen to fix compensation of police officers. To committee, on request of common council.—September 25, 1876.

42. Upon what constitutes a presentment for approval of an order or vote of the board of aldermen. To board of aldermen.—May 14, 1877.

43. As to erection of building on Church street by William Maynes. To the mayor.—June 16, 1877.

44. As to the validity of contracts in which the city is interested when made with members of the city council or of municipal boards. To committee on accounts.—February 8, 1878.

45. As to the legality of the annual appropriation order. To the city council.—March, 1878.

46. Upon the authority of the mayor to vote in matters requiring action by the mayor and aldermen. To mayor and aldermen.—April 17, 1878.

47. As to the authority of the water board to lay water pipes in Myrtle street. To committee on water works.—August 6, 1878.

48. On the registration of voters. To mayor and aldermen.—October 3, 1878.

49. On the authority of the city treasurer and collector *pro tempore* to collect back taxes. To the board of aldermen.—May 22, 1879.

50. As to whether payment of one dollar poll tax, the other dollar having been abated, would be a sufficient payment of a tax to entitle a person to be registered as a voter. To board of aldermen.—October 23, 1879.

51. Upon what constitutes licensed premises under the liquor law. To board of aldermen.—December 24, 1879.

52. Upon locality of ordinance requiring the city marshal to be a member of the board of health. To the mayor.—May 3, 1880.

53. Upon legality of order authorizing the furnishing of the mayor and aldermen's room. To common council.—May 24, 1880.

54. As to temporary vacancy in the office of mayor. To the board of aldermen.—December 23, 1880.

55. As to powers of board of health. To president of common council.—1880.

56. As to appointment and supervision of janitors of school houses. To committee on public property.—January 17, 1881.

57. On repairs at almshouse. To committee on public property.—March 7, 1881.

58. As to authority of Eastern Railroad Company to fill in the pile bridge in the south mill pond. To the city council.—1881 or 1882.

59. As to the lease of property at the Neck or Willows. To common council.—1882.

60. On election of member of the water board. To common council,—March 27, 1882.

61. As to what constitutes the receipt of a *bonus* or reward.—April 20, 1882.

62. That the school board is not authorized to require the opinion of the city solicitor.—To the school committee. —1882.

63. As to whether a member of the school board may be secretary of the board, or a teacher. To the school committee.—June, 1882.

64. As to the validity of bonds for the North River improvement. To the mayor.—August 10, 1882.

65. On the maintenance of a sanitary building in Derby Square. To the common council.—May 7, 1883.

66. On granting sixth class liquor licenses. Opinion of Hon. George F. Choate.—April 21, 1884.

City Solicitor Evans.

67. As to designation of chairman of a committee and effect of his certificate of approval of a bill. To common council.—June, 1884.

68. As to waiver of rule requiring examination of police officer. To mayor and aldermen.—June 11, 1884.

69. On duties of registrars of voters as to registering names of voters who were on the voting list the year before. To registrars of voters.—July 29, 1884.

70. On authority of water board to contract with town of Beverly to supply that town with water. To common council.—August 25, 1884.

71. As to power to regulate parades of the Salvation Army through the streets. To mayor and aldermen.—May 29, 1885.

72. As to whether certain real estate adjoins premises, so that its owner may object under the statute to the granting of a license to sell liquor upon them. To mayor and aldermen.—July 4, 1885.

73. As to revocation of licenses for the sale of intoxicating liquors. To mayor and aldermen.—September 8, 1885.

74. As to assessors exempting a person from taxation and right of person so exempted to be registered as a voter. To registrars of voters.—November 2, 1885.

75. On right of the city to establish a plant for the purpose of lighting the city by electric lights. To the common council.—May 10, 1886.

76. On the powers and duties of the committee on accounts. To committee on accounts.—May 12, 1886.

77. As to the duty of the board of aldermen to order special election to fill a vacancy in that board. To board of aldermen.—June 24, 1886.

78. On power of joint standing committee on water works to advertise for proposals for building reservoir on Gallows Hill. To joint standing committee on water works.—July —12, 1886.

79. As to recent legislation on municipal appropriations. —July 12, 1886.

80. As to legality of a contract with the Inspector of Buildings for the alteration or repair of a school building. To committee on public property.—July 15, 1886.

81. As to authority to widen Essex Bridge otherwise called Beverly Bridge. To committee on streets and bridges. —July 20, 1886.

82. On effect upon subsequent taxes of vote for convey-

ance of land purchased by city at tax sale. To city treasurer.—October 18, 1886.

83. As to lands and flats taken for the extension of Derby street. To the common council.—November 16, 1886.

84. As to liability for defects in plank walks on Common. To committee on plank walks on Common.—November 22, 1886.

85. Upon right of school committee to require an opinion from city solicitor. To the school cummittee.—January 12, 1887.

86. As to the validity of ordinance establishing liquor limits. To the mayor.—January 17, 1887.

87. As to approval of bills contracted by school committee. To the mayor.—February 9, 1887.

88. As to appointment of janitors of school buildings by the city council or a committee thereof. To the mayor.—March 4, 1887.

89. As to collection of bills of the board of health. To the board of health.—April 22, 1887.

90. As to screens and entrances on premises upon which the sale of intoxication liquors has been licensed. To committee on police and licenses.—April 22, 1887.

91. As to appointment of members of fire department and their holding over. To committee on fire department.—May 12, 1887.

92. On reshingling buildings within fire limits. To the acting mayor.—May 20, 1887.

93. As to validity of contract with Peabody water board for connecting pipes. To the clerk of water board.—August 3, 1887.

94. As to settlement of a certain insane pauper. To the clerk of the overseers of the poor.—August 8, 1887.

95. As to right to remove steps projecting into street or sidewalk. To committee on streets.—August 27, 1887.

96. As to changing means of egress from school buildings. To committee on public property.—August 27, 1887.

97. On proposed ordinance establishing a board of health. To committee of common council on bills in second reading. —December 3, 1887.

98. As to liability for work done on a wagon. To clerk of board of health.—December 29, 1887.

99. On duty of lessees to repair the market house when damaged by fire. To committee on public property.—January 30, 1888.

100. On liability of city for breakage, or for clothing furnished pauper inmates, in state lunatic hospital. To clerk of overseers of the poor.—February 18, 1888.

101. On neglect of clergyman to make return of marriage. To city clerk.—February 20, 1888.

102. As to validity of orders for taking flats in the South River and authorizing the issue of bonds.—June 25, 1888.

103. As to authority to make contracts, particularly those for street lighting. To the common council.—July 9, 1888.

104. As to action under Armory Act, St. 1888, c. 384. To committee on armories.—October 15, 1888.

105. As to power of committee to expend an appropriation to pay the salary of an officer so as to bind the city. To committee on public property.—December 31, 1888.

106. As to continuance of appropriations made in a former municipal year. To the city council.—January 28, 1889.

107. As to number of licenses which may legally be issued for the sale of intoxicating liquor. To board of aldermen.—March 25, 1889.

108. As to power of committee on public property to hire greenhouses. To city council.—April 20, 1889.

109. As to right of street railway company to use electricity as a motive power. To committee on streets, bridges and sewers.—May 31, 1889.

110. As to necessity of including the amount of appropriation for building additions to the High School Building in the annual tax assessment. To the common council.—July 25, 1889.

111. As to the obligation of the city to widen the draw of Essex Bridge. To board of aldermen.—July 31, 1889.

112. As to proposed order of city council relative to the inspection of houses and sinks by the board of health. To common council.—August 5, 1889.

113. As to validity of message from the mayor containing more than one veto. To common council.—November 9, 1889.

114. As to effect of vote for assistant assessors. To city council.—January 20, 1890.

115. As to whether watchers for a sick person can be furnished under statute 1889 c. 298, providing for military aid. To committee on military aid.—March 13, 1890.

116. As to time at which a change in water rates takes effect. To committee on water works.—April 9, 1890.

117. As to validity of proposed ordinance relative to use of fire works on Salem Common. To special committee.—April 10, 1890.

118. As to validity of Additional Water Loan. To city treasurer.—June 30, 1890.

119. As to effect of order making appropriation for building New Derby street. To board of aldermen.—October 13, 1890.

120. As to duty to repair certain water pipes. To clerk of Salem Water Board.—November 17, 1890.

121. Relative to regulation of overseers of the poor, defining the duties of the gate-keeper at the almshouse.—December 8, 1890.

122. As to expulsion of a member of the fire department. To board of aldermen.—December 22, 1890.

123. As to authority to order the removal of poles in the streets. To common council.--December 22, 1890.

124. As to validity of tax imposed by town of Beverly on property of the city used for water supply. To committee on water works.—December 23, 1890.

125. As to proposed order providing for the reconveyance to their former owners of flats in the North River. To common council.—December 29, 1890.

126. As to validity of grant of location for tracks of Essex Electric Railway Company between Block House Square and the Willows. To committee on streets, bridges and sewers. —February 23, 1891.

127. As to powers of board of health to require that a building be connected with a public sewer under St. 1890, c. 132. To board of health.—March 18, 1891.

128. As to what body has authority to cause a wing of the almshouse to be torn down. To overseers of the poor.— May 5, 1891.

129. As to power of the city to build a wharf from which revenue may be derived. To common council.—May 25, 1891.

130. As to power of the city to lay water pipes through Highland Street, Peabody. To committee of water board. —July 20, 1891.

131. As to power of water board to lay a water main provided for by order of the city council. To water board,— August 29, 1891.

132. As to remedy for pollution of sources of water supply. To water board.—August 31, 1891.

133. As to street widening at Salem Neck.—December 14, 1891.

134. As to board of health removing a privy.—December 23, 1891.

135. As to assessment of damages for injuries done by

dogs to other animals. To city marshal.—December 24, 1891.

136. As to who has the control of the apparatus of the fire department.—February 8, 1892.

137. As to injury to purity of water from harvesting ice. As to bill alleged to be excessive. To water board.—February 10, 1892.

138. As to chairmanship of committee on water works and membership in water board. To clerk of water board. —February 24, 1892.

139. As to right of clerk of water board to require an opinion from the city solicitor. To water board.—March 4, 1892.

140. As to legal relations between the city and the late lessees of land at the wharf at the Willows. To committee on public property.—March 30, 1892.

141. As to claim of employee for wages while disabled by illness and duty of committee on accounts to reject a claim or account. To water board.—April 11, 1892.

142 As to the appointment of members of the fire department. To the mayor.—April 27, 1892.

143. As to power to lay water pipes through Highland Street, Peabody. To committee on water works.—June 8, 1892.

144. As to title to police telephone patents.—To sub-committe on police telephone system.—July 6, 1892.

145. As to junk dealers' licenses. To the mayor.—July 14, 1892.

146. As to liability for widening Washington street. To committee on streets, bridges and sewers.—July 18, 1892.

147. On validity of water loan. To city treasurer.—September 2, 1892.

148. As to claim presented on account of repairs made on way from Felt street. To committee on streets, bridges and sewers.—September 9, 1892.

149. As to the limitation on the amount of a contract which a committee is authorized to make. To committee on public property.—September 17, 1892.

150. As to eligibility as city physician of a person who has not been a practitioner for three years in this commonwealth. To city clerk.—September 28, 1892.

151. As to the appointment of a city physician *pro tempore*.—September 29, 1892.

152. As to the legality of orders passed after they had been referred to a committee, the committee never having reported or been discharged. To common council.—December 3, 1892.

153. As to whether the committee on streets, bridges and sewers, may legally be made a joint committee. To board of aldermen.—May 2, 1893.

154. As to entering appearance in a suit against a member of the board of health and common council. To the mayor.—June 7, 1893.

155. As to validity of proposed ordinance providing for election of city physician by overseers of the poor. To city clerk.—July 11, 1893.

156. As to the legality of a certain bill against the park department. To committee on accounts.—September 6, 1893.

157. As to the payment of the expenses of a visit of the common council and of city officers to the Cadet Camp at Essex. To committee on accounts.—September 9, 1893.

158. Right of single member of a committee to require the opinion of the city solicitor. Unofficial opinion as to payment of full salary to employee absent from work on vacation. To clerk of committee on accounts.—September 30, 1893.

159. As to releasing claim for taxes against an insolvent's estate. To board of aldermen. November 21, 1893.

160. As to legality of pending ordinance for the regula-

tion of plumbing. To common council.—December 28, 1893.

161. As to duty of water board to file description of lands taken for a further water supply. To water board.—March 9, 1894.

162. As to whether a certain building is a tenement house according to the definition in the rules of the water board.—July 13, 1894.

163. As to the power to remove the clerk of the water board and where vested. To water board.—August 18, 1894.

164. As to power of the water board to purchase land for an additional water supply. To the mayor.—September 19, 1894.

165. As to authority of committee on Lamps and Lighting to modify contract for lighting the streets. To the mayor. —October 31, 1894.

166. As to whether the committee on street lighting may legally be made a joint committee. As to whether a certain order was illegal because substantially the same as one formerly rejected. To board of aldermen.—November 27, 1894.

167. As to authority of superintendent of public property to purchase articles under the authority of a vote of the committee on public property. To committee on public property.—November 28, 1894.

168. As to obligation to pay for horse bought for the water board by one of its members without authority. To committee on accounts.—December 15, 1894.

169. As to whether premises are within twenty-five feet of others, so that the owner of the latter may by his objection prevent the granting of a license for the sale of intoxicating liquors upon them. To license commissioners.—April 13, 1895.

170. As to authority of agent to object to granting of a license for the sale of intoxicating liquors upon premises within twenty-five feet of land owned by his principal. To license commissioners.—April 25, 1895.

171. As to time when changes in the water rates take effect. To clerk of water board.—May 7, 1895.

172. As to effect of statute 1895, chapter 422, changing the manner of appointment of the overseers of the poor. To the mayor.—July 11, 1895.

173. As to whether additional licenses for the sale of intoxicating liquor might be granted in 1895 in consequence of the increase in population shown by the census of that year. To license commissioners.—August 27, 1895.

174. As to proposed order of the city council, directing assessors to levy a tax of a fixed sum on each car used by the street railway in Salem, and of a certain per cent. on the receipts of said railway from its lines in Salem. To the common council.—December 14, 1895.

DIGEST OF OPINIONS.

ARMORIES.

a. If the city should accept the Armory Act, Stat. 1888, c. 384, no proceedings can be had or expenses incurred by the city for acquiring land or erecting a building for an armory, nor any action taken by the armory commissioners, until the city shall also have designated the amount of the loan necessary to meet such expenses.—104. [The act has not been accepted by the city.]

ASSESSORS AND ASSESSMENT OF TAXES.

a. The tax for the expenses of highways must be assessed separately from the rest of the taxes, as the Revised Statutes provide that a different portion shall be raised by a poll-tax. —6.

b. The assessors can not, under Pub. Stats. c. 11, s. 5, c. 12, exempt from taxation any inhabitant assessed by them for a poll-tax, after said tax has been committed to the collector of taxes for collection.—74.

c. The assessors were obliged under Pub. Stats. c. 11, s. 34, to include in the assessment of 1889 the sum of $45,000 appropriated in 1888, (See *Finance, Appropriations, b,*) for remodeling and building an addition to the High School building, unless the city council before the assessment was made withdrew the appropriation and covered the money into the treasury.—110.

d. When two assistant assessors were to be chosen by ballot from Ward 6, and the count showed that three persons received the vote of a majority of the persons voting, it was not possible to determine who was chosen.

For the choice of assistant assessors a plurality vote is not sufficient; a majority vote is necessary.

Even if a ballot is regular and the choice by it appears to be clear, the convention might annul it by voting to ballot again.—114.

e. The assessors of taxes can not, whether directed by vote of the city council or not, impose upon a street railway company a tax of a fixed sum for each car in use upon its lines within the city or of a fixed per cent. of the receipts from such lines.—174.

BRIDGES.

a. The terms and conditions upon which street railways are to be allowed to pass over Essex or Beverly Bridge are to be determined entirely by the county commissioners. Stat. 1867 c. 296, s. 5; Stat. 1868 c. 309.—27.

b. Essex or Beverly Bridge can be widened only as authority is obtained from the board of Harbor Commissioners. When the county commissioners apportioned between Salem and Beverly the duty of maintaining, keeping in repair and supporting the bridge, they exhausted the powers conferred upon them in relation to said bridge by Stat. 1868, c. 309. —81.

c. It is uncertain whether the duty of widening the draw of Essex or Beverly Bridge, when necessary, is imposed upon Salem alone, or upon Salem and Beverly jointly, in which latter case there are no means of determining the share of work which ought to be done by each municipality or the

method of widening, and action by the county commissioners or legislature might be necessary. It is probable that Salem could be compelled to widen the draw in case of neglect; but the city is not liable to pay any damages suffered by ship owners by reason of its neglect of this duty.—111.

BUILDINGS.

a. The mayor and aldermen had no authority to declare a building a nuisance, since the only statute authorizing such action—Gen. Stats. c. 87, ss. 1–5,—had not been adopted by the city of Salem. Had said statute been adopted, a building complained of because it "had been several times set on fire by design," was "out of repair" and "owned by several parties who can not agree to repair or remove the same," (one of which parties signed the complaint) could not for these reasons be declared a nuisance, since the statute applies only to "burnt, dilapidated or dangerous buildings," and this building was not alleged to be dangerous except in so far as it was liable to be fired again. —17.

b. A wooden building erected less than eight feet from the next adjacent building on Church Street comes within the purview of the ordinance approved April 26, 1877, notwithstanding that the owner made his plans and contracts for its construction before the passage of the ordinance, the labor of construction having been commenced after the ordinance was passed. The city is not liable for damages for so passing such an ordinance; the owner and contractor are liable to the statute penalty.—43. (See Salem vs. Maynes, 123 Mass. 372).

c. The provision against re-covering the roof of a building in the fire limits with shingles or other combustible material, contained in Revised Ordinances, c. 22, s. 5, is valid. A person violating that section is liable to a fine or penalty as provided in s. 13 of that chapter. One who has begun to re-cover a roof in violation of this ordinance can be enjoined from proceeding; if he has finished, he can be ordered by the court to remove the shingles and replace them by proper material, and no doubt would be so ordered unless the work

had been completed without remonstrance from the city a considerable time before application was made.—92.

CITY COUNCIL.

IN GENERAL AND RULES.

a. An annual appropriation order was passed by the common council and non-concurred in by the aldermen. The records of the common council showed that it was returned to that body; the records of the aldermen showed nothing on that point. At a subsequent meeting the aldermen rescinded the vote and voted to concur in the passage of the order. Although the board must have had possession of the paper in order that the last vote should be effectual, the presumption is that the proceedings were regular and that the order was duly passed in concurrence.—45.

b. An order for taking flats in the South River under Stat. 1886 c. 324 and Stat. 1887 c. 409 is valid if passed by a majority vote of each branch of the city council, but an order authorizing an issue of bonds is not valid unless passed by a vote of two-thirds of all the members of each branch of the city council taken by yeas and nays.—102.

c. A city council is not limited to acting for the year for which it was chosen and in general may take action looking to the future to any reasonable and natural extent without regard to the time when its term of office will expire.—106.

d. An order appropriated $45,000 for constructing a new street, and provided that the sum should be raised by a loan; but this provision was in such imperfect and general terms that it would have had no force except by subsequent action, even if properly passed in other respects. It was moreover invalid as an order creating a loan, because it was not passed by a two-thirds vote; notwithstanding this, the appropriation and authority to spend the same for the purpose expressed were duly voted.—119.

(See *Assessors and Assessments, d; City Council,* [*Committees*]; *Salem Common; Contracts, b, c, d; Finance,* [*Appropriations,*] *c; Fire Department, ; Health Department; d, e; Poor Department, d, e; Public Property, b; Water Department, f, n, p, r*).

MAYOR.

a. Under Stat. 1876 c. 193 the presentment for approval of an order is a formal act by which the order is laid before the mayor for revision. Notice of its passage which he has by reason of his presence and presiding at the meeting at which it is passed is not sufficient to constitute a presentment. An order fixing the compensation of police was not presented till the clerk laid it before the mayor, consequently the ten days allowed for a vote did not begin to run until that time and it was returned with the mayor's objections in due time.—42.

b. No general rule can be laid down as to the right of the mayor to vote in matters requiring action by the mayor and aldermen.—46. [See Stat. 1882, c. 164.]

c. A resolution of the board of aldermen in this form, "Resolved that whereas the mayor by temporary absence from the city can not perform the duties of the office, that a temporary vacancy in said office be hereby declared to exist" does not declare a temporary disability of the mayor to perform the duties of his office and the president of the board was not therefore authorized to perform the duties of mayor; and ordinances and orders approved only by him as acting mayor are incomplete and invalid for want of the mayor's approval. Stat. 1880, c. 78 does not contemplate or provide for a "temporary vacancy" in the sense used in this resolve. —54.

d. A veto message conforms to law and is valid, notwithstanding it combines in one paper objections to several orders or contains in addition to the objections other matter which the mayor may see fit to communicate.—113.

BOARD OF MAYOR AND ALDERMEN.

a. "Executive business" is deliberation or action upon matters especially relating to the practical enforcement and carrying out of the laws, as distinguished from the deliberating upon or passing of such laws or ordinances. The appointment and removal of police officers, for instance, is executive business.—31.

b. Rules of the board may be abolished, modified or waived at will by the authority creating them and such waiver may be by formal vote or by any action inconsistent with them.—68.

c. The board of aldermen is not legally bound to order a special election for an alderman in place of one who dies during his term of office, but may do so or not, as it deems expedient.—77.

(See *City Council*, [*Mayor*]; *Salem Common*; *Fire Department*; *Intoxicating Liquors*; *Police and Constables*; *Poor Department*; *Public Property*; *Registration of Voters*; *Sewers*; *and Streets*).

COMMITTEES.

a. An indorsement of approval of a bill by the chairman of a committee amounts to no more than a statement by him of the action of the committee.

"The city council may by joint rule or order fix upon the member of a joint committee who shall act as chairman and in the absence of such rule or order it is the right of the committee when assembled to choose a chairman for itself. If such chairmanship is not fixed by specific rule or by election, the first named member of the committee would be chairman and in his absence the next named member and so on." The committee does not lose its right to choose a chairman by allowing the first named member to go on and act as chairman.—67.

b. A minority report is no report at all. It simply serves as an argument and possible basis for amendment.—126.

c. If a committee regards a charge for work excessive it should reject the bill and leave its amount to be decided by the courts.—137.

d. An order is valid though passed after the subject matter has been referred for consideration to a joint special committee which has never reported in the matter or been discharged.—152.

e. There is no legal objection to making the committee on streets, bridges and sewers a joint committee.—153.

(See *Contracts*, *i*; *Finance*, [*Appropriations*,] *a*; *Streets*, [*Street Railways*, *f*]; *Water Department*; *d*, *n*).

RULES.

(See *City Council*, [*Committees*,] and *Streets*, [*Street Lighting*,] *d*).

CITY OFFICERS.

IN GENERAL.

a. The clerk of the water board is an officer of the city government.—139.

(See *Assessors; Claims; Compensation, Contracts; Finance*, (*Appropriations*).

CITY CLERK.

a. If a clergyman residing in Boston criminally neglects to make a return of marriage to the city clerk of Salem, the offence is cognizable only in Suffolk County, and the city clerk should lay the whole matter before the district attorney of that county.—101.

b. The city clerk is clerk of the board of aldermen while acting as overseers of the poor for the purpose of keeping records of their meetings.—172.

CITY PHYSICIAN.

a. The duties of quarantine physician were defined by the ordinance of May 13, 1839. He "has the entire charge of the medical treatment of those persons who are sent to and detained in the hospital upon the Neck on account of disease, and the general medical direction of the hospital." —23.

b. In order that a person may be eligible to the office of city physician, it is not necessary that he should have previously practised medicine.—150.

c. An ordinance providing for the election of the city physician by the overseers of the poor would not be valid; such officers must be chosen by city council itself. Stat. 1836, c. 42, s. 8.—155.

CITY SOLICITOR.

a. There is no provision in the city ordinances which permits the city solicitor to give a legal opinion to the school committee.—62, 85. [Changed; See Revised Ordinances of 1895, c. 10, s. 3.]

b. The clerk of the water board is an officer of the city government and as such is authorized by ordinance to require an opinion from the city solicitor.—139.

c. It has always been customary for the city solicitor to enter his appearance in suits in which the interest of the city is indirectly involved, in order that the city may defend such cases and bear the expense of such defence, should such course be deemed advisable.—154.

d. A single member of a committee cannot require the opinion of the city solicitor.—158.

CLAIMS.

a. Where a dying horse lay in the street and the first notice to the city was given at 6.30 o'clock to the assistant city marshal, who obtained a team and a man to kill the horse and removed the horse at 8.45 o'clock, the city was not liable to one who in broad daylight was injured in consequence of the obstruction, the same not having continued for 24 hours.—11.

b. The city has legal power to indemnify a public officer of the city (the Chief Engineer of the Fire Department), who in the discharge of his duty meets with an accident and receives an injury to his person and suffers in consequence in his health and business, although he is an officer rendering his services without salary and has no claim which he can enforce against the city.—12.

c. Where land was taken for street widening in 1851 and a sum awarded to the owner as damages, which he refused to take because he considered it too small, there seemed to be no reason why it should not be paid to his administrator, who called for it, in 1862, notwithstanding the claim was barred by the Statute of Limitations and could not be enforced in a suit at law.—13.

SALEM COMMON.

a. There appears to be no ordinance giving special authority to the board of aldermen as such to prohibit ball-playing on the common, but it is forbidden by the ordinance of August 17, 1853, s. 20.—40.

b. If the city should construct plank walks on the paths of the common, it would not be liable to pay damages for personal injuries received in consequence of defects in such walks.—84.

c. An ordinance professing to restrain the action of the city council in the future as to the use of fire-works on Salem Common would be of no legal effect.—117.

COMPENSATION.

a. The claim of a laborer for wages for a period during which he was disabled by sickness and did not work for the city was rightly rejected, as such a claim could not be enforced against the city.—141.

b. A city officer who is absent by leave of his superior for five days on a vacation, who has done extra work at other times without extra compensation, and who is paid by a yearly salary, may legally be paid his salary in full, notwithstanding such absence.—158.

(See *City Council*, [*Mayor*,] *a*; *Fire Department*, *a*; *Police and Constables*, *c*).

CONTRACTS.

a. The engineers of the fire department have no power to contract bills legally binding upon the city for refreshments or for the entertainment of a fire department.—9.

b. A member of the common council is not eligible to the office of street commissioner.—22. [See Stat. 1886, c. 147.]

c. Members of the city council are not eligible for appointment as members of the fire department.—28.

d. It is illegal for a member of a city council or of either branch thereof to be interested in a contract made by the city council or either of its branches, or by authority derived therefrom; or for a member of the school board, board

of overseers of the poor, or water board, to be interested in a contract made by the board of which he is a member or by authority derived therefrom; such contracts are invalid as to such members. See Stat. 1875, c. 232.—44.

e. The receipt by an attorney from his principal of compensation for services rendered in the negotiation of a contract with the city is the receipt of a "reward" within the meaning of the statute and the ordinance forbidding such receipt.—61.

f. "A member of the school committee while holding office as such cannot be elected to and hold the office of secretary of the board or hold the position of a teacher in the public schools, and be entitled to receive compensation for his services from the city treasury."—63.

g. No law forbids that a contract for the alteration or repair of a school building should be awarded to the inspector of buildings, but such a contract could not be awarded to a member of the city council, though it might to city officials or members of other municipal boards.—80.

h. The board of health through its committee contracted with a man to make alterations and repairs upon a wagon used for the purposes of the board and an attachment was made upon this man's property. He then took the wagon to another person who made the alterations and repairs and returned the wagon to the city. Meanwhile the first man was adjudged insolvent, the alterations being then substantially complete. Under these circumstances the city could not safely pay either man.—98.

i. The committee on public property is forbidden by ordinance to incur expense exceeding the appropriation to which such expense is chargeable; it is also forbidden to incur expense for repairs in any instance in which the estimated cost exceeds $200 without special authority from the city council; if the estimate is fairly made and all the expense that might fairly be anticipated is less than $200, the committee may contract the bill although in fact it proves to exceed $200.—149.

j. If a firm of which one of the park commissioners is a member furnishes goods to the park department and the bill

therefor is presented by the other partner in his own name, the commissioner has incurred the penalty imposed by Pub. Stats. c. 205, s. 12, and probably nothing could be recovered from the city for the goods.—156.

k. The committee on public property authorized its superintendent to purchase certain articles for which the committee had power to contract on behalf of the city; he obtained bids and proposals which were read at the meeting of the committee and no further action was taken,—the superintendent still had legal authority to purchase the articles.—167.

l. When a member of the water board purchases a horse without authority, and upon the presentation of the bill the board discusses the matter fully and votes to approve the bill, such action amounts to a ratification of the purchase and the city is bound to pay the bill.—168.

(See *Finance*, [*Appropriations*,] *c*).

DOGS.

a. The old dog law was not repealed by the act of 1858 unless that act is accepted by the city.—4. [Act does not appear to have been accepted.]

b. Statute 1889, c. 454 provides for compensation to the owners of domestic animals destroyed or injured by dogs. Among such animals horses are included, but nothing can be recovered for personal injuries, damages to a carriage or for anything except for loss in value of the animals themselves and the expense and trouble of finding and recovering them. —135.

ELECTIONS.

a. There was no provision of law forbidding the warden to count the votes before the polls were closed, but the practice is liable to abuse and it would be safer and better not to adopt it.—2.

[For present statute allowing and regulating this, see Stat. 1895, c. 240.] (See *Registration of Voters*).

ELECTRICAL DEPARTMENT.

a. The rights of the Metropolitan Duplex Fire Alarm Company to the patents as to which it proposed to contract with

the city were in dispute and litigation and the city by depending upon this company alone would be liable to be involved in litigation the result of which was doubtful. — 144.

FINANCE.

COMMITTEE ON ACCOUNTS.

a. The indorsement of approval upon a bill by the chairman of a committee amounts to no more than a statement by him of the action taken by the committee. — 67.

b. The powers and duties of the committee on accounts were those contained in the Revised Ordinances of 1880 c. 17. The expenditure of the income of the trust funds with possibly one exception is under the control of the board of aldermen and payments may be made therefrom without the approval of this committee. In examining a claim or account the committee must reject it if not duly approved in case the account is one requiring the approval of another committee or board under section 3 of said chapter; the endorsement of approval upon it is only evidence of such approval, and though such evidence is usually deemed sufficient it would not be conclusive if the committee should have any reason to suspect that the fact is otherwise. The committee must also reject a claim or account in case there is not a balance of the proper appropriation sufficient to pay it; and may reject it if they believe or suspect that it has not been properly contracted or that it contains an error or that there would be a good defense to a suit brought upon it. — 76; 141.

c. The committee on accounts rightly rejected a claim of a laborer for wages for time when he was disabled by sickness and did no work for the city, as such a claim is not one which could be enforced against the city. — 141.

(See *School Department*, *e*).

APPROPRIATIONS.

a. When a certain sum of money is appropriated to pay the salary of an officer and a committee is by ordinance authorized to expend for the services of such officer an amount not exceeding the appropriation, the committee may at any

time expend the whole appropriation, although a large portion of the year remains unprovided for. It may employ the officer for a part of the year only and pay him for such services the whole appropriation.

If it does so, when it approves the bill for salary it fixes the compensation and renders the city liable therefor, notwithstanding the committee on accounts refuses to approve the bill.

Appropriations ordinarily expire Nov. 30th, when the financial year ends, unless the city council has expressly made an appropriation for the calendar year instead of the fiscal year.—105.

b. On Dec. 24, 1888 by an order approved Jan. 2, 1889, the city council appropriated $45,000 for remodeling and building additions to the High School building. This appropriation still remained under the city government of 1889, it having evidently been so intended; but no committee of the council of 1889 was by the council of preceding year given authority to spend it.—106.

c. If bills for transportation and supplies for members of the common council and certain city officers upon their visit to Cadet Camp, Centennial Grove, Essex, and the order authorizing the same to be contracted were valid, they should be paid from the appropriation for the incidental expenses of the common council.—157.

(See *Board of Health, b; City Council, [In General;] Schools; Sewers, a; Water Department.*)

DEBTS, LOANS AND BONDS.

a. Under Stat. 1864, c. 268 and the ordinance of Jan. 21, 1870, s. 1, the interest of the water loan sinking fund can not be taken to pay interest upon the water debt.—37.

b. It is so doubtful whether the city possesses the power to call in water loan bonds issued under the provisions of Stat. 1864, c. 268, and issue new bonds differing from them in their place, that this ought not to be done without further legislation is obtained authorizing it.—39.

c. The proceedings of the city council approved July 15, 1882, were in accordance with the law; and bonds issued in

accordance with those proceedings will be legally binding upon the city.—64.

d. Debts may be contracted by the city "only by a vote of two-thirds of all the members of each branch of the city council, taken by yeas and nays, and approved by the mayor; or, if he disapproves such vote, by another like vote taken after notice of such disapproval, which notice shall be given within ten days from the time in which the vote of the city council is laid before the mayor; and if the mayor fails to give such notice to the branch of the city council in which said vote was first taken, he shall be deemed to have approved such vote." Stat. 1875, c. 209, s. 3, (Pub. Stats. c. 29, s. 7); see Stat. 1876, c. 193, Pub. Stats. c. 28, s. 6). The mayor may approve some of the items or sums in such vote and disapprove others with the same effect as if the items approved were contained in one vote and those disapproved in another distinct vote.—Stat. 1885, c. 312, s. 3.

The following exceptions exist to these provisions:—

1. Debts incurred for supplying the city with water. If the act authorizing the supply has been accepted by a two-thirds vote of the legal voters present at a meeting and voting, debts authorized by the act may be contracted by a majority vote of the members of each branch of the city council taken by yeas and nays, Stat. 1876, c. 19, Pub. Stats. c. 29, s. 18); the mayor having the same power of veto as before stated, in which case the same vote is required as in the case of other debts where there is a veto.

2. Debts authorized for subscriptions in aid of a railroad corporation. Stat. 1875, c. 209, s. 10, (Pub. Stats. c. 29, s. 3).

3. Debts for temporary loans. Stat. 1875, c. 209, s. 2, (Pub. Stats. c. 29, s. 6); Stat. 1885, c. 312, s. 4. These must be "in anticipation of the taxes of the year in which said debts were incurred and expressly made payable therefrom by vote of the city."

By the terms city "debts" and "indebtedness" are meant chiefly if not exclusively debts for borrowed money. "Cities may incur liabilities directly for any purpose for which they are authorized to spend money, but unless incurred in the special manner designated by the statute they must be paid

either from the last annual assessment of taxes or from the following assessment and such liabilities being provided for from the earliest receipts are not regarded as actual additions to the debt of the city although for a time they do add to its indebtedness."

After the tax for a year is assessed, no temporary loan can be made payable from the proceeds of the next year's tax.—79.

e. A loan negotiated in 1890 providing that the payment of the bonds shall begin in 1894 is not in accordance with the law, which requires annual proportionate payments or a sinking fund with annual contributions. Pub. Stats. c. 29, s. 9; Stat. 1882, c. 133.—118. (See *Water Dept.*, *g*).

f. A loan was duly authorized by order dated August 12, 1892, approved August 13, 1892.—147.

(See *City Council*, [*In General*,] *b*).

FIRE DEPARTMENT.

a. Members of the city council are not eligible for appointment as members of the fire department.—28.

b. The board of engineers of the fire department presented for appointment the names of all but four of the old members of the fire department and no others, and they were nominated and confirmed. The result of this action was that the remaining four still continued to be members of their respective companies; but it was the right and duty of the board of engineers to present at the earliest opportunity names of candidates for appointment to succeed them and thereupon the mayor and aldermen might appoint or reject such candidates.—91.

c. A vote of the engineers of the fire department, expelling a member of that department, effects a complete separation of such member from the department, unless such action is reversed by the mayor and aldermen within thirty days. If reversed, it becomes null and void and the member retains his place as if no action had been taken by either board.—Revised Ordinances, (1880) c. 21, s. 11.—122.

d. The city council of Salem by Stat. 1867, c. 323, (differing from the general law, Pub. Stats. c. 35, s. 28),

has complete control of the fire department and of all apparatus belonging to it except of that required to be provided by Stat. 1888, c. 310, which latter the statute places under the control of the fire department itself.—136.

e. The provision of the Revised Ordinances (1880) c. 21, s. 7, amended October 3, 1888, requiring appointments of firemen to be made upon nomination of the board of engineers, is invalid, being contrary to Stat. 1867, c. 323; and the mayor and aldermen have the right to appoint without reference to the action of the board of engineers.—142.

(See *Claims*, *b*; *Contracts*, *f*).

HEALTH DEPARTMENT.

a. The city marshal cannot by ordinance be made *ex officio* a member of the board of health, as this might so burden him as to interfere with his discharge of the regular duties of his office; and an ordinance cannot legally provide that the police department shall in addition to its regular duties execute all orders and perform all services which may be required of it by the board of health.—52.

b. The board of health is not limited to acting under the ordinances, but derives its powers as a public agency directly from the statutes. For the performance of its duties it may legally contract bills for which the city will be liable in excess of the amount appropriated by the city council.—55.

c. Owners of real estate in Salem are liable to pay the city the reasonable value of any work done by the health department on their premises or directly for their benefit under such circumstances that they can be reasonably held to have assented to the doing of such work for them by the board.

By statute, if an owner or occupant is directed by the board of health to do certain specified work and fails to do so, the board of health may do it for him and recover the cost from him. Pub. Stats. c. 80, ss. 20–24.—This provision is repeated in the ordinances.

Payments for cleaning cess-pools and vaults are to be made to the clerk of the board of health.—Ordinance of November 11, 1884.—Other payments are to be made as directed in Revised Ordinances, (1880) c. 17, ss. 9–10.—89.

d. The city council has no authority to establish a mixed board of health consisting partly of members of the city council and partly of persons not members of the council. An ordinance providing for the election of members of the board of health to serve for three years would be valid. Its effect would be to provide for the election only of persons not members of the city council: and the city council may or may not, as it chooses, allow compensation to members of a board so constituted.—97.

e. The board of health has independent power to inspect houses and sinks and if its agent should be obstructed in doing so, the only remedy provided is an application to the discretion of the court for an order, under Pub. Stats., c. 80, s. 27.—An order relative to the matter passed by the city council could have no legal effect or validity.—112.

f. By Stat. 1890, c. 132, the board of health may require a building on a street where there is a public sewer to be connected with the sewer whether it is already connected with a cess pool or not and without giving any reason for the order.—127.

(See *City Officers*, [*City Physician*,] *a*; *Contracts*, *h*.)

INTOXICATING LIQUORS.

a. A license granted to J. P. doing business at No. 12 Green Place to sell intoxicating liquor to be drunk on the premises lacks precision and is open to question as to its exact meaning, but on its face the word "premises" must be taken to refer to the whole building No. 12 Green Place, whatever that may be.—51.

b. A sixth class license for the sale of intoxicating liquor may be issued notwithstanding that at the last municipal election a majority voted "No" on the question of granting licenses for the sale of intoxicating liquor.—66.

c. Where a person conveyed two strips of land on each side of his lot, one of which strips was only from two to three feet wide, thus leaving the remaining lot separated by these strips from those of his former neighbors on each side, and two days thereafter leased the house on said lot to a man who applied for a license to sell intoxicating liquor, such

former neighbors are not adjoining owners whose objections under the statute would prevent the granting of licenses.—72. [Changed, see *h*, below].

d. A declaration by the mayor and aldermen that a license is forfeited upon proof of the doing of any act prohibited by Pub. Stats. c. 100, s. 12 would be of no effect. The question of forfeiture depends entirely upon the actual facts and not upon the action of the board.—73.

e. The city council has no power to define and establish by ordinance limits within which alone licenses for the sale of intoxicating liquors may be granted.—86.

f. The interior of the premises upon which the sale of intoxicating liquor has been licensed should be left entirely open and unobstructed so that any person entering the same can see every portion of the interior; and all such portions of the wall between such premises and the outside as are constructed of glass should be of clear transparent glass and unobstructed, so that a plain view of the interior can be had through them. When entrances to such premises are required to be closed, all entrances except those directly from the public street, whether leading to other portions of the building or elsewhere, are included.—90.

g. Under the statute licenses should be issued for the sale of intoxicating liquors in Salem at only 28 places (one for every 1000 inhabitants), but a larger number of licenses might lawfully be issued, two or more licenses of different classes being issued for the sale of liquor at the same place. —107.

h. Under Pub. Stats. c. 100, s. 7, as amended by Stat. 1887, c. 323, no license for the sale of intoxicating liquors to be drunk on the premises can legally be granted, if within a certain time the owner of land within twenty-five feet of the premises objects in writing.

In such case a license could not be issued for a part of these premises which is more than twenty-five feet distant from the land of the objector, since it is the description of the premises in the application which controls.—169.

i. An agent duly authorized may object under the statute to the granting of a license for the sale of intoxicating liq-

uor on premises within twenty-five feet of his principal's land with the same effect as the owner himself might object, but the board of license commissioners may reasonably call upon the agent to show his authority. Such authority cannot be implied merely from authority to let the premises and collect the rents.—170.

j. Additional licenses for the sale of intoxicating liquor might be granted, after the result of the census of 1895 was declared, showing several hundred increase in the population of the city, so that the number of places licensed should correspond to the population as shown by that census.—173.

JUNK DEALERS.

The statutes do not authorize the issue of two kinds of licenses to junk dealers, one to a person to be a dealer and the other to a person to be a keeper of a shop; but of licenses of a single kind to persons to be both dealers and keepers of shops. The opposite view seems to have been practically adopted in the issue of licenses by the city of Salem, and if it were correct, a dealer who was not also the keeper of a shop would not be liable to prosecution for purchasing from a minor.—145.

MARKET.

a. There is ground to apprehend that the erection or maintenance upon Derby Square of any substantial building other than the Market-House and Town Hall would be a breach of the conditions of the deed to the city of the land it holds there, and might cause the forfeiture of the premises conveyed. — 65.

b. If, by inevitable accident or fire without fault of the lessee, a portion of the market-house is destroyed or injured, the lessees of that portion under the terms of their lease are bound to restore it to its former condition at their own expense; but nice questions might arise as to the exact limits of the work falling to each lessee. — 99.

MILITARY AID.

Watchers for a sick person may legally be furnished under Stat. 1889, c. 298 providing for military aid, if they are reasonably necessary for his comfort and welfare. — 115.

SALEM NECK.

(See *Willows and Neck Lands.*)

ORDINANCES.

a. A proposed ordinance regulating the sale of bread by weight would be invalid, the city not having the power to make such a law and it being questionable whether even the legislature could delegate such a power to the city. — 5.

b. A proposed order of the city council forbidding the Salvation Army from frequenting the streets and public places, playing on musical instruments, beating drums or blowing trumpets, except as provided therein, would not be valid, if passed, because it is not general in its operation, but unequal in its application, singling out a particular body and class of persons. — 71.

c. An ordinance professing to restrain the action of the city council in the future as to the use of fire-works upon Salem Common would be of no legal effect. — 117.

d. The provision of Revised Ordinances, (1880) c. 21, s. 7, as amended Oct. 3, 1888, requiring appointments of firemen to be made upon nomination of the board of engineers, is invalid, being contrary to Stat. 1867, c. 323; and the mayor and aldermen have the right to appoint without reference to the action of the board of engineers.—142.

e. The "Ordinance for the Regulation of Plumbing" pending before the city council, was in legal form and correct, technically and otherwise. — 160.

PARKS.

(See *Salem Common, Willows and Neck Lands; also Contracts, j, Sewers, b.*)

PLUMBING.

(See *Ordinances, e.*)

POLICE AND CONSTABLES.

a. Policemen do not have the full powers of constables and are not constables unless appointed such. Stat. 1867, c. 279 is not retrospective, and the policemen and watchmen should be reappointed policemen after its passage and given such of the powers of constables as may be desired. — 25.

b. The police officers of Salem as such do not cease to hold office at the close of the municipal year, but hold over until formally removed or until others are appointed and qualified in their places.—38.

c. The mayor and aldermen have the power not only to appoint the police, but also to determine the amount of their compensation.—41.

d. The board of aldermen passed a rule requiring that all policemen thereafter appointed or confirmed should possess certain specified qualifications, and that all candidates should be examined with reference thereto after nomination. Thereafter it suspended the rule requiring a nomination to lie over and confirmed the appointment of a policeman at the same evening on which he was nominated. If the candidate was not examined, this action amounted to a waiver of the provision of the rule requiring an examination and the officer was regularly appointed and confirmed.—68.

(See *Board of Health*, *a.*)

POOR DEPARTMENT.

a. The statutes do not give to the overseers of the poor the control of alterations and repairs of the almshouse, and under the ordinance such alterations and repairs are in charge of the committee on public property.—57.

b. A pauper supported by the Commonwealth in a state lunatic asylum before she had resided in Salem five years together thereby received relief as a pauper and failed to gain a settlement, although she had a husband who was legally bound to support her during that period.—94.

c. The city is not liable to pay a state lunatic hospital a charge for breakage done by a pauper inmate or for clothing furnished him, but only for the support of the pauper at the price fixed by law. Pub. Stats. c. 87, ss. 31–33.—100.

d. A regulation defining the duties of the gate-keeper of the almshouse which contains new features and is broader in its scope than the existing rule approved by the city council requires the approval of the city council under Revised Ordinances, (1880) c. 33, s. 8.—121.

e. The city council has the right to decide whether a wing of the almshouse not in use shall be removed, and

neither the overseers of the poor nor the committee on public property have authority to remove it unless the city council so decides. Such removal is neither "erection," "alteration" nor "repair."—128.

f. By Stat. 1895, c. 422, repealing Stat. 1859, c. 181, the board of overseers of the poor then existing was abolished and provision was made for a choice of a different board in a different manner in September, 1895. Meanwhile, under Pub. Stats. c. 27, s. 101; Stat. 1893 c. 423, s. 6; Pub. Stats. c. 28, s. 2, the mayor and aldermen were legally the overseers of the poor, having all the powers of overseers of the poor, but the city clerk must be their clerk and keep the records of their meetings.—172.

(See *City Officers*, [*City Physician*,] *c.*)

PUBLIC PROPERTY.

a. Land near the Hacker School-house claimed by H. K. Oliver as belonging to the estate of Capt. Cook, deceased, never belonged to Capt. Cook, but was formerly a part of Dean Street and was fenced off for safety.—20.

b. The care of the city hall is given to the city council and cannot be exercised by the mayor and aldermen alone unless by authority of the city council; but the city council, June 6, 1838, placed in the hands of the board of aldermen the care of the city hall except the rooms specifically devoted to the common council, and this authority has been acted upon from time to time ever since and is still possessed by the mayor and aldermen concurrently with the committee on public property. Consequently the action of the board providing for the re-furnishing of the mayor and aldermen's room at the expense of the city was valid without concurrent action by the common council.—53.

c. The state inspectors of factories and public buildings have power to direct such changes to be made by the city in the construction of school-houses, as shall cause the means of egress from the school rooms to be such as they approve and also to direct that all doors to the main entrances of school-houses shall swing outward, and the city is bound to make such changes.—96.

d. The committee on public property has no authority under the ordinances to hire a greenhouse.—108.

e. The city acquired a clear title to the flats in the North River and no valid claims for damages remain, none having been made within one year from the time of taking as required by statute. The city may properly release these flats to the former owners if it will never want them for any purpose, otherwise it would be inexpedient to do so, as it would be difficult to again acquire a title to them.—125.

(See *Contracts, g; Market; Poor Department, a, e; Streets, e; Willows and Neck Lands, a, b.)*

QUARANTINE.

(See *City Physician.*)

RAILROADS.

The only authority which the Eastern Railroad Company has to fill in the pile bridge in the South Mill pond is that given by its original charter Stat. 1836, c. 232 and by Stat. 1837, c. 152 amending said charter. —58.

REGISTRATION OF VOTERS.

a. It is the duty of the officers who prepare the voting lists to make the inquiry and examination necessary to determine whether persons can read and write as well as to ascertain whether they have the other qualifications of voters.—19.

b. At least two lists of voters must be posted in public places in the city not less than ten days before an election, and the mayor and aldermen are to designate the places and determine whether there ought not to be more than two. Gen. Stats. c. 6, s. 5.

On these lists should be notices of meetings before the day of election as well as upon that day, to be held for the purpose of correcting them. Gen. Stats. c. 6, s. 6. On the day of election names may be added at the meeting, but not after the voting begins.—21.

c. The mayor and aldermen must revise the voting lists before a special election. Stat. 1871 c. 334. They may have the assistance of the city clerk in this work, but they cannot delegate the duty to him, and the final revision of the list and determination upon the qualifications of those asking to have their names placed upon the list must be by the board itself. —34.

d. Persons whose names are on the voting lists of the preceding year may be registered without inquiry under Stat. 1878 c. 251 s. 3 into their qualifications to vote.

In preparing the register of voters, it is sufficient that the mayor and aldermen vote that the names of such persons as were on the voting list of the preceding year and are now duly qualified be entered in the register, and afterwards enter therein the names of such persons as may from time to time be found qualified.

In revising the voting lists the board should not add to them the names of persons who have voted at any time before the preceding year, but whose names were omitted from the list of the year before for non-payment of taxes or other cause unless such persons present themselves for registration.

Persons should present themselves for registration before the board of mayor and aldermen itself while in session, and not merely at the office of the city clerk. — 48.

e. A person who was assessed in 1878 a poll tax of $2 and who had paid $1 thereof, the other dollar having been abated by the assessors, and who paid no tax for 1879 was qualified, so far as the payment of a tax was concerned, to be registered as a voter in 1879, since the tax which he is required to pay is not the tax as originally assessed, but the tax as it remains after legal abatement by the assessors.—50.

f. Under Stat. 1884 c. 298, s. 20 before the notices therein required are given, if the board of registrars are satisfied as to the qualifications and identity of persons whose names were upon the annual voting lists for the preceding year, such persons need not appear before the board in person, but if no objection be made may be registered at once. If objection is made as provided in s. 16 of the same act, or if the registrars are not satisfied as to the qualifications or identity of any such persons, then any evidence may be received which the board may think proper or an examination may be had under oath.

The information required to be entered in the register, by s. 18, of said act, should be placed in the register opposite the name of each person entered therein, it being for the purpose of identification. This information may be obtained

from the voting lists of the last annual election, from the records made by the assessors in the assessment of taxes, from information transmitted to the board by other city officials under the provisions of said act, from a personal canvass authorized by the board, or from any other source which the board may think satisfactory.—69.

g. The assessors cannot exempt from taxation, under Pub. Stat. c. 11, s. 5, cl. 12, any inhabitant assessed by them for a poll tax after said tax has been committed to the collector of taxes for collection. The registrars of voters cannot lawfully register as a voter an inhabitant upon whom a tax has been so assessed and whom the assessors certify that they have so exempted unless he has paid a tax assessed within two years.—74.

SCHOOLS AND SCHOOL COMMITTEE.

a. School committees cannot expend money or contract bills beyond the amount appropriated by the city council, unless expressly authorized by statute, as for procuring books. (Revised Stats. c. 23, s. 19–20). They can not expend more than the appropriation for teachers' salaries. [Decided otherwise, Bachelder v. Salem, 4 Cush. 599; Charlestown v. Gardner, 98 Mass. 587.]

The school committee has no power, except as authorized by the city, to erect or contract for the erection of schoolhouses, but may hire temporary accommodations, if necessary, in certain cases.—1.

b. The appointment and superintendence of janitors of school houses is vested by statute in the school committee, not subject to interference by the city council.—56; 88.

c. There is no provision in the city ordinances which permits the city solicitor to give a legal opinion to the school committee.—62; 85. [Changed; See Revised Ordinances, (1895) c. 10, s. 3].

d. "A member of the school committee, while holding office as such, cannot be elected to and hold the office of secretary of the board or hold the position of a teacher in the public schools and be entitled to receive compensation for his services from the city treasury."—63.

e. Chapter 4, s. 2, cl. 4, of the rules of the school committee does not delegate to the executive committee of the school board the power of finally passing upon the approval of bills, but assigns it the duty of examining and reporting upon them to the whole committee for its action. The executive committee of the school board is properly constituted although the mayor and president of the common council are not made *ex officio* members of it and do not happen to be members of it.—87.

(See *Public Property, c.)*

SEWERS AND DRAINS.

a. The drain on St. Peter Street was not constructed under proper authority, but if the city should adopt and use the drain the appropriation to pay for its construction would be legal and binding.—24.

b. The board of aldermen has exclusive authority to lay, make, maintain and repair all main drains and common sewers and a provision cannot be legally made in an ordinance that a special appropriation therefor must be first made by the city council.—26.

c. Sewers may be built in two ways—under Stat. 1839, c. 46, by which the city may require all persons to pay a reasonable sum for the privilege of draining into its public drain or sewer, making such arrangements and fixing such prices as it may deem advisable; or under Gen. Stats. c. 48, by which the cost is wholly or partially assessed on those entering or benefited by more remote means.—In making assessments no distinction can be made between those who petitioned and those who did not petition for the sewer.—After an assessment is paid, the city cannot refund it either in whole or in part. After an assessment is made but before it is paid, it cannot be lawfully abated, or the collection suspended till the abuttor assessed enters the drain.—30.

STREETS AND WAYS.

IN GENERAL.

a. There is no town way or other public way on the shore of the North River over land owned in part by F. Howes at the foot of River Street.—3.

b. It is uncertain whether N. J. Lord encroached upon Oliver Street. If he did, the encroachment was only 2 feet, 10 inches. The remedy would be by indictment. The location of the street is uncertain and the description is incorrect in several particulars so that a verdict probably could not be obtained against Mr. Lord under the circumstances. —7.

c. Stat. 1853 c. 315 providing that the owner of abutting lots shall grade or close private ways and that the expense of putting such a way in proper order is to be assessed upon the abutters in such proportions as the mayor and aldermen shall judge reasonable is of doubtful validity. —10. [Adjudged unconstitutional, Morse v. Stocker, 1 Allen 150.]

d. The awnings and posts supporting them, as they stood in Essex and other streets, were obstructions in the highway, rendered it defective, and might legally be removed by the proper officer of the city. See Pedrick v. Bailey, 12 Gray 161. —18.

e. All land and flats taken by the city, under Stat. 1886 c. 324, for the extension of Derby Street became the property of the city upon the filing in the registry of deeds of the certificate provided for by section 2 of that act; until such filing the city acquired no rights in the lands and the owners no claim for damages or compensation.

The amount of damages to be paid by the city is to be determined by agreement or by legal proceedings under section 3 of the act; and if the owner did not institute such proceedings or settle within one year from the time of filing the certificate, he lost his claim. —83.

f. If the boundaries of a street are not known and can not be determined by records or monuments, and steps have projected from the front of buildings upon that street for as long as twenty years, the steps do not project into the street but form the street line. If steps project into a street they can be removed as a nuisance upon presentment to the grand jury unless they have continued forty years or more, in which case the owner has acquired a right to maintain them.

If there is no dispute as to the facts, such projecting steps may be removed by the street commissioner without a presentment to the grand jury. —95.

g. In order that the board of mayor and aldermen may cause the removal from the streets of poles for which locations have been granted, in case said board deem said poles not absolutely necessary for the purpose for which they were intended; and that the board may compel persons and corporations to join in using the same poles in order that a less number may be so necessary, further legislation is required. —123.

h. The commissioner of streets, under the direction of the board of aldermen, could construct Washington Street to the extreme limit of land taken by the city for widening the street, removing all buildings or obstructions in a careful and reasonable manner up to said limit and thereby no liability would be incurred to pay damages to Messrs. D. B. H. Power and S. W. Power, purchasers of land from the Neal estate. —146.

i. The way from Felt Street to land of George R. Jewett is a private way and, while it remains such, the city is not liable to pay for repairs upon it and can not legally become so liable nor legally make such payment. —148.

(See *Assessors and Assessments, a*; *Claims, a, c; Public Property, a; Salem Common, b; and Ordinances, b*).

STREET BETTERMENTS.

a. After once assessing betterments, the mayor and aldermen cannot reopen the question and make a different assessment nor can the board abate any assessments which have been made by them. —33; 36.

b. On March 24, 1873, a legal assessment for betterments on account of the laying out or widening of North Street, could no longer be made on land situated in any part of North Salem.—35.

STREET LIGHTING.

a. The city has a right to establish a plant for the purpose of lighting by electric lights the streets and the public buildings belonging to the city.—75.

[Decided otherwise, Spaulding v. Peabody, 153 Mass. 129.]

b. In contracts where no special provision is made, both branches of the city council must concur; but in contracts for lighting the streets, the board of mayor and aldermen, through action which has been taken by the city council, possess exclusive powers.—103.

c. The committee on lamps and lighting has no authority to modify the contract with the Salem Electric Lighting Company for the maintenance of arc lights for street lighting by allowing the substitution of lamps of less candle power than that required by the contract. Such change could be made only by authority of the board of aldermen. —165.

d. Under Revised Ordinances, c. 44, the board of aldermen has exclusive power to make contracts for street lighting. This ordinance amounts however merely to a joint rule and will be superseded by any joint action inconsistent therewith; and the city council may appoint a joint committee to report a contract for street lighting. An order providing for a contract for street lighting only is substantially different from one providing for a contract for lighting both the streets and public buildings.—166.

[Control of Street Lighting now in City Council, Revised Ordinances, 1895, c. 43, s. 1.]

STREET RAILWAYS.

a. Before the board of mayor and aldermen could act upon an application of a street railway for a change of location of tracks or turnouts, it must notify the abuttors as provided by statute.—15.

b. The board of mayor and aldermen have no power to authorize a street railway to use and maintain a track in a street outside of their location except by regularly granting the company a new or additional location there.—16.

c. The locations of the track of the Salem & South Danvers Railway Company made in Washington, Bridge and North Streets in 1864 and 1866 were all invalid in 1868.— On a petition to locate the track the entire length of Federal Street, the location could be granted through a part only of said street. Stat. 1864 c. 229, s. 14.—27.

d. The mayor and aldermen have the power to regulate or prohibit the use of salt by street railway companies for the purpose of freeing their tracks from ice and snow, and to pass any order in reference to the time or manner of removing snow and ice from such tracks. Stat. 1864 c. 229, s. 16; Stat. 1866 c. 294. Union Railway Co. v. Cambridge, 11 Allen 287.—29.

e. A street railway company may lawfully use electricity as a motive power, and may erect and maintain in the streets poles with projecting arms and other structures necessary for conducting electricity through overhead wires for that purpuse; provided the board of aldermen grant the company a permit so to do. The board of aldermen is legally authorized to grant such permit.—109.

f. The location for tracks of the Essex Electric Street Railway Company between Block House Square and the Willows was duly granted by the board of aldermen, although at the time it was voted the subject had been referred to a committee which had never reported and the board refused to substitute a report of a minority of said committee, relative to this matter and another, for a majority report upon this matter only.—126.

g. The assessors of taxes cannot, whether directed by vote of the city council or not, imposed upon a street railway company a tax of a fixed sum for each car in use upon the lines within the city or of a fixed per cent. of the receipts from such lines.—174.

(See *Bridges*, *a.*)

COLLECTION OF TAXES.

a. The city treasurer and collector, without special appointment for that purpose, is authorized to collect back taxes, whenever the assessors shall have delivered to him the tax list with their warrant.—49.

b. Under vote of the city council of July 26, 1886, authorizing the conveyance of certain land, the same was to be conveyed free from any claim for taxes since 1880 when it was purchased by the city at tax sale.—82.

HARLAN P. [illegible]
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c. The city has no legal authority to release without consideration a claim for taxes which it holds against the estate of an insolvent. — 159.

WATER DEPARTMENT.

a. The water board may legally lay water pipes through a street and charge the expense upon the city, provided it does not exceed its appropriation; and it would be difficult to say that it has not power to erect a building for use in connection with the water works, should it judge the same necessary and should the cost not exceed the amount of the appropriation. — 47.

b. If a member of the water board is not chosen in January as prescribed by ordinance, the member whose term expires in February of that year holds over, and will continue to hold the office so long as he lives, unless his successor is chosen or he resigns, and his successor may be chosen in any month succeeding said January. — 60.

c. The water board, under the statutes and ordinances, without further action by the city council, had the power to make in behalf of the city an agreement fixing for a reasonable length of time the compensation to be paid by the town of Beverly for the use of water. — 70.

d. The joint standing committee on water works of 1886 had no authority to advertise, either alone or in conjunction with the water board, for proposals for building a reservoir on Gallows Hill. An order of the previous year authorized only the committee of that year to do so; and that committee having ceased to exist, the authority ceased with it. The amendment added December 14, 1885, did not excuse the committee of that year from acting in conjunction with the water board. — 78.

e. The agreement of October 14, 1877, providing for a connection of the pipes of the Salem Water Works with the pipes of the Peabody Water Works was not binding upon the inhabitants of the town of Peabody. — 93.

f. The city council can not during any calendar year increase the water rates for those taking water at the time and

not consenting to the change. If an increase is made, it should be to take effect at the beginning of the next year. —116.

g. A loan for repairs or necessary renewals of the water pipes already laid is authorized by Stat. 1864 c. 268, Pub. Stats. c. 29 s. 9 and Stat. 1882 c. 133. —118.

h. It is the duty of the water takers to "keep the water pipes and fixtures within their premises, including any area beneath the sidewalk, in good repair and protected from frost at their own expense." [Revised Ordinances, (1880) c. 50, s. 11, cl. 2.]—120.

i. No property acquired and in use in Beverly for supplying Salem with water can legally be taxed by Beverly. Taxes on such property paid for the past six years can not be recovered back. The best way to test the right is to pay the tax under protest and bring suit to recover it back.—124.

j. The city may lay water pipes through Highland Street, Peabody, for the purpose of supplying water to the inhabitants of Salem residing upon the southerly side of said street under the provisions of Stat. 1864 c. 268, ss. 4–5, but cannot supply water from these pipes to houses in Peabody.—130; 143.

k. The water board must use an appropriation made by the city council to lay water pipes in a certain course for the purpose of laying pipes in that course and for no other purpose.—131.

l. There are four remedies in case of pollution of the waters of Wenham Pond and its tributaries by stables or poultry yards.

1. By injunction under Pub. Stats. c. 80, s. 96, and Stat. 1884 c. 154; but unless it can be proved that the quality of the water is injured or the water rendered unwholesome to an appreciable degree, it is doubtful whether an injunction would be issued.

2. By application to the State Board of Health under Stat. 1890 c. 441, this would probably be effectual.

3. By taking land under Stat. 1891, c. 285.

4. By criminal prosecution under Pub. Stats. c. 208, s. 8, part of the sources of filth being within five rods of the pond.

The second and third methods seem the most effectual, but they would necessitate the payment of damages.—132.

m. Injury to the purity of water in Wenham Pond by the ordinary use of horses in harvesting ice cannot be prevented without additional legislation. See Stat. 1864, c. 268, s. 16; Pub. Stats. c. 80, s. 102.—137.

n. The joint committee on water works is regarded as composed of two committees, one on the part of the aldermen and the other on the part of the common council, and the chairman of each of these separate committees is by ordinance made a member of the water board. The first person designated upon the committee on the part of the common council, the committee itself not having met, became its chairman. If this chairman refuses to call a meeting, the other members cannot join in doing so, but must induce the common council to call a meeting; otherwise no meeting can be held unless all the members are present.—138.

o. The order of the board of aldermen of May 17, 1892, authorizing the laying of pipes in Highland Street, Peabody, was legal, the owners of land covered by the street (which is said to be not a public way) having granted to the city their consent to use it in the manner contemplated.—143.

p. The city council having voted to take lands for an additional water supply under Stat. 1893, c. 364 and directed that the water board file the description of them on behalf of the city in the registry of deeds, the board is legally bound to do so within ninety days.—161.

q. The building numbered 64 and 66 Essex Street and 75 Washington Square is a tenement house within the meaning of the rule defining tenement houses adopted by the Salem Water Board.—162.

r. It is doubtful whether the water board has legal authority to remove its clerk at its pleasure without assigning a cause. It may probably do so for cause shown, and may suspend the clerk pending the investigation. The clerk should have notice of the charges made and be allowed a hearing at which he may be represented by counsel and

cross-examine witnesses. The board may fill a vacancy in the office of clerk and may appoint a clerk *pro tempore* to serve while the clerk remains suspended. The proceedings, when concluded, should be reported in full to the city council; and it would be well for the city council also to take similar action.—163.

s. The water board may, with the consent in writing of the water board of Beverly, purchase any land within the territory indicated in the order of the city council approved September 5, 1894, appropriating $74,000 for an additional supply of water, and pay therefor with the funds appropriated in that order for land damages.—164.

t. The water board from the appropriation for additional water supply could legally buy a horse if it was fairly determined by the board that the horse was reasonably necessary for use in connection with the execution of the purpose for which the appropriation was made.—168.

u. An ordinance approved April 3, 1895, increasing the water rates and abolishing the discount for prompt payment, could not effect the rates in 1895 for those taking water at that date; but all persons beginning to take water after that date must pay the new rates without discount.—171.

(See *Contracts*, *l*; *Finance*, [*Debts*, *Loans*, *Bonds*,] *a*, *b*).

WILLOWS AND NECK LANDS.

a. The city has a good and absolute title, subject to no conditions or restrictions, to the lands on the Neck and Winter Island which have not been granted to individuals and it may use or sell them at will.—8.

b. Since the city, in accordance with opinion 8, has a title to the Neck lands free from all restriction, it may rent or lease to private parties any portion of this property at the Willows or elsewhere that it sees fit, or confer authority on the committee on public property to do so.

The committee on public property were authorized to lease the wharf at the Willows to Mr. Proctor for ten years, if such authority could be given otherwise than in express terms. Whether the authority could be so given is doubtful, but probably it could. If the lease is invalid or doubt-

ful, the question may be tested by taking possession and excluding others; by an action of trespass; or by a writ of entry.—59.

c. The city has no authority to construct a wharf for general purposes on its land, but it may construct a wharf to be used in aid of some work of the city, which at the Willows would seem almost necessarily to be the maintenance of the public park there. A wharf used in connection with the park should, like the park, be free from charge; but if a wharf constructed for this purpose is wanted incidentally for other purposes not interfering with that for which it is built, the city may allow it to be used for those incidental purposes, and in this manner and this only may it derive a revenue from it.—129.

d. The lessees of the land occupied by the wharf at the Willows, the lease having expired, have no rights in any part of the wharf above low water mark and have abandoned the planking there to the city by not having removed it within a reasonable time; and they may be fenced out or kept from occupying the premises again. The part of the wharf below low water mark they retain as their own.—140.

ORDINANCES

PASSED SUBSEQUENT TO THE REVISED ORDINANCES OF 1895.

AN ORDINANCE ESTABLISHING THE OFFICE OF ASSISTANT CITY CLERK.

SECTION 1. There may be appointed from time to time as occasion may require, an assistant city clerk for the city of Salem. Said assistant shall be appointed by the city clerk, but such appointment shall be subject to the approval of the board of aldermen. The assistant city clerk shall be sworn to the faithful discharge of the duties of the office, shall serve for such time as occasion may require, and may be removed at any time by the city clerk.

SECTION 2. It shall be the duty of the assistant city clerk to assist the city clerk in the performance of the duties of his office, and in the absence of the city clerk to certify and attest all documents requiring to be certified or attested, and also to perform all duties pertaining to the office when the office of

city clerk shall be vacant from any cause. Said assistant shall be paid by the city clerk out of his own compensation.

Approved April 23, 1895.

AN ORDINANCE TO AMEND CHAPTER XVI OF THE REVISED ORDINANCES ENTITLED "AN ORDINANCE RELATING TO THE FIRE DEPARTMENT."

SECTION 1. Section one of chapter XVI of the revised ordinances is hereby amended by striking out in the fourth line thereof the word "three," and inserting in place thereof the word "two" and by striking out in the fourth line the word "one," and inserting in place thereof the word "two," and also further amended by striking out in the fifth line the word "Company," and inserting in place thereof the word "Companies."

SECTION 2. This ordinance shall take effect upon its passage.

Approved June 20, 1895.

AN ORDINANCE TO AMEND AN ORDINANCE RELATING TO THE FIRE DEPARTMENT.

SECTION 1. Section one of chapter XVI of the revised ordinances is hereby amended by inserting after the word "wagon" in the last line thereof the words "a driver of the supply wagon."

SECTION 2. This ordinance shall take effect upon its passage.

Approved September 10, 1895.

AN ORDINANCE RELATIVE TO SEWER ASSESSMENTS.

SECTION 1. All assessments or other payments for the benefit received from the construction of a sewer or for the permanent privilege thereof to an estate which are mentioned in chapter thirty-six of the revised ordinances of the year one thousand eight hundred and ninety-five shall be payable upon the determination of the amount thereof by the board of aldermen, and immediately after such determination the city collector shall notify the persons liable to pay said assessments or make said payments that the same have been determined giving the amount thereof and demanding payment thereof: and shall use all reasonable efforts to collect the same without delay.

SECTION 2. In case such assessments are apportioned into several annual payments as provided by statute, the first instalment thereof shall become due and be collected as provided in section one and each successive instalment at the expiration of one year from the time the last preceding instalment becomes due.

Approved December 24, 1895.

AN ORDINANCE AMENDING AN ORDINANCE RELATING TO THE WATER DEPARTMENT.

SECTION 1. Section 16 of chapter 51 of the revised ordinances of the city of Salem is hereby amended by inserting after the word "water" in the second line thereof the following:—"But the city council reserves the right, without notice, to alter, amend, or change the rates at any time for any year or fraction of a year and all persons taking water from the city take it upon this express condition and not otherwise."

SECTION 2. This ordinance shall take effect upon its passage.

Approved December 31, 1895.

AN ORDINANCE AMENDING AN ORDINANCE RELATING TO THE POOR DEPARTMENT.

SECTION 1. Section one of chapter XXXII of the revised ordinances of the city of Salem is hereby amended by striking out the words "the board of overseers of the poor of the city of Salem shall consist of twelve persons, two from each ward, together with the mayor, who shall be, ex officio, a member and chairman of said board," and inserting in place thereof the following, "the board of overseers of the poor of the city of Salem shall consist of five persons,

together with the mayor who shall be ex officio a member of and chairman of said board."

SECTION 2. Section 2 of said chapter is hereby amended by striking out the first five lines thereof and inserting in place thereof the following: "Section 2. The city council shall annually, in the month of January, by concurrent vote, elect three members of said board, one member who shall hold no other city office for the term of three years from the first Monday of February, one member who shall be a member of the board of aldermen and one member who shall be a member of the common council; said two last named members to serve until the expiration of the term for which they were elected to said city council and all said members to serve until their successors in said board are elected and qualified."

SECTION 3. This ordinance to take effect upon its passage.

Approved January 4, 1896.

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ORDINANCES

AND

Amendments to the Ordinances.

ADOPTED SINCE THE REVISION
OF 1895.

SALEM:
BARRY PRINTING COMPANY.
1900.

CITY OF SALEM.

ORDINANCES.

PASSED SUBSEQUENT TO THE REVISED ORDINANCES OF 1895.

AN ORDINANCE ESTABLISHING THE OFFICE OF ASSISTANT CITY CLERK.

SECTION 1. There may be appointed from time to time, as occasion may require, an assistant city clerk for the city of Salem. Said assistant shall be appointed by the city clerk, but such appointment shall be subject to the approval of the board of aldermen. The assistant city clerk shall be sworn to the faithful discharge of the duties of the office, shall serve for such time as occasion may require, and may be removed at any time by the city clerk.

CITY OF SALEM.

ORDINANCES.

PASSED SUBSEQUENT TO THE REVISED ORDINANCES OF 1895.

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SECTION 1. There may be appointed from time to time, as occasion may require, an assistant city clerk for the city of Salem. Said assistant shall be appointed by the city clerk, but such appointment shall be subject to the approval of the board of aldermen. The assistant city clerk shall be sworn to the faithful discharge of the duties of the office, shall serve for such time as occasion may require, and may be removed at any time by the city clerk.

SECTION 2. It shall be the duty of the assistant city clerk to assist the city clerk in the performance of the duties of his office, and in the absence of the city clerk to certify and attest all documents requiring to be certified or attested, and also to perform all duties pertaining to the office when the office of city clerk shall be vacant from any cause. Said assistant shall be paid by the city clerk out of his own compensation.

Approved April 23, 1895.

AN ORDINANCE TO AMEND CHAPTER XVI OF THE REVISED ORDINANCES ENTITLED "AN ORDINANCE RELATING TO THE FIRE DEPARTMENT.

SECTION 1. Section one of chapter XVI of the revised ordinances is hereby amended by striking out in the fourth line thereof the word "three," and inserting in place thereof the word "two," and by striking out in the fourth line the word "one," and inserting in place thereof the word "two," and also further amended by striking out in the fifth line the word "Company," and inserting in place thereof the word "Companies."

SECTION 2. This ordinance shall take effect upon its passage.

Approved June 20, 1895.

AN ORDINANCE TO AMEND AN ORDINANCE RELATING TO THE FIRE DEPARTMENT.

SECTION 1. Section one of chapter XVI of the revised ordinances is hereby amended by inserting after the word "wagon" in the last line thereof the words a "driver of the supply wagon."

SECTION 2. This ordinance shall take effect upon its passage.

Approved September 10, 1895.

AN ORDINANCE RELATIVE TO SEWER ASSESSMENTS.

SECTION 1. All assessments or other payments for the benefit received from the construction of a sewer or for the permanent privilege thereof to an estate which are mentioned in chapter thirty-six of the revised ordinances of the year one thousand eight hundred and ninety-five, shall be payable upon the determination of the amount thereof by the board of aldermen, and immediately after such determination the city collector shall notify the persons liable to pay said assessments or make said payments that the same have been determined, giving the amount thereof and demanding payment thereof; and shall use all reasonable efforts to collect the same without delay.

SECTION 2. In case such assessments are apportioned into several annual payments, as provided by statute, the first instalment thereof shall become due and be collected as provided in section one, and each successive instalment at the expiration of one year from the time the last preceding instalment becomes due.

Approved December 24, 1895.

AN ORDINANCE AMENDING AN ORDINANCE RELATING TO THE WATER DEPARTMENT.

SECTION 1. Section 16 of chapter 51 of the revised ordinances of the city of Salem is hereby amended by inserting after the word "water," in the second line thereof, the following: "But the city council reserves the right, without notice, to alter, amend, or change the rates at any time for any year or fraction of a year, and all persons taking water from the city take it upon this express condition, and not otherwise."

SECTION 2. This ordinance shall take effect upon its passage.

Approved December 31, 1895.

AN ORDINANCE AMENDING AN ORDINANCE RELATING TO THE POOR DEPARTMENT.

SECTION 1. Section one of chapter XXXII of the revised ordinances of the city of Salem is hereby

amended by striking out the words "the board of overseers of the poor of the city of Salem shall consist of twelve persons, two from each ward, together with the mayor, who shall be, ex-officio, a member and chairman of said board," and inserting in place thereof the following, "the board of overseers of the poor of the city of Salem shall consist of five persons together with the mayor, who shall be, ex-officio, a member of and chairman of said board."

SECTION 2. Section 2 of said chapter is hereby amended by striking out the first five lines thereof and inserting in place thereof the following: "Section 2. The city council shall annually, in the month of January, by concurrent vote, elect three members of said board, one member who shall hold no other city office for the term of three years from the first Monday of February, one member who shall be a member of the board of aldermen, and one member who shall be a member of the common council; said two last named members to serve until the expiration of the term for which they were elected to said city council, and all said members to serve until their successors in said board are elected and qualified."

SECTION 3. This ordinance to take effect upon its passage.

Approved January 4, 1896.

ORDINANCES PASSED IN 1896.

AN ORDINANCE AMENDING AN ORDINANCE RELATING TO COMPENSATION OF MEMBERS OF THE FIRE DEPARTMENT.

SECTION 1. That section two of chapter twelve of the Revised Ordinances of the City of Salem be amended by striking out such part as reads, "There shall also be allowed and paid each year, thirty dollars for the services of the steward of the hook and ladder company."

Approved June 12, 1896.

AN ORDINANCE RELATIVE TO THE CITY TREASURER AND COLLECTOR.

SECTION 1. Chapter fifteen of the Revised Ordinances of the City of Salem is hereby amended by striking out section eighteen and substituting therefor, the following: "Section 18. The city treasurer shall be also the city collector."

SECTION 2. Section one of chapter twelve of the Revised Ordinances is hereby amended by striking out in the eleventh, twelfth and thirteenth lines thereof, the words "to the city treasurer two thousand dollars. To the city collector one thousand five hundred dollars," and substituting therefor the words "to the city treasurer and collector in full for his services as city treasurer, one thousand dollars."

SECTION 3. The city treasurer and collector shall be allowed and paid as full compensation for all services rendered by him as city collector, a commission of one-fifth of one per cent. upon all sums collected by him for taxes; said commission to be paid him monthly.

SECTION 4. Chapter fifteen of the Revised Ordinances is hereby amended by adding to section five, at the end thereof, the following words: "Said statement shall show all amounts collected by the city collector during the preceding calendar month, specifying the amounts credited to each department separately, and the amount of the taxes for each year, collected during the preceding calendar month, the amount of poll taxes so collected each year being shown separately.

SECTION 5. The city treasurer and collector shall give a bond for the faithful performance of the duties of his office as city treasurer and also of the duties of his office as city collector, in the sum of thirty thousand dollars, to be approved by the Board of Aldermen, and from a Fidelity company satisfactory to said board. Sections fifteen and twenty-five of chapter fifteen of the Revised Ordinances are hereby repealed.

SECTION 6. An amount not exceeding one thousand dollars shall be allowed and paid for clerical assistance in the office of the city treasurer and collector.

SECTION 7. That this percentage shall not apply to any outstanding taxes previous to 1896.

Approved June 20, 1896.

AN ORDINANCE RELATING TO STREETS.

SECTION 1. No person, except by permission of the Board of Aldermen or other board of officers of the city thereto duly authorized, or except an officer or employee of the city necessarily in the performance of his duty as such officer or employee, shall

put or place or cause to be put or placed in or upon any street, lane, alley or public place in the city, any glass, crockery, scrap iron, nails, tacks, wire or other similar articles or substances.

SECTION 2. Whoever violates any provision of this ordinance, shall be liable to a penalty of not less than two dollars or more than twenty dollars for each offence.

SECTION 3. This ordinance shall take effect upon its passage.

Approved June 25, 1896.

AN ORDINANCE AMENDING AN ORDINANCE CONCERNING BUILDINGS AND FIRE LIMITS.

SECTION 1. Section ten of chapter four of the Revised Ordinances of the City of Salem is hereby amended by inserting after the word "thereto" in the third line the words, "and other wooden or frame buildings not more than eighteen feet in height from the level of the street to the top of the roof, provided the same are entirely covered on the outside with some metallic or other non-combustible material."

SECTION 2. Said section ten of chapter four of said Revised Ordinances is hereby further amended by inserting between the eighth and ninth lines

thereof, and after the word, "erected in the eleventh line thereof, the words, "altered or added to," and by adding at the end of the seventeenth line thereof the words, "and provided further that no such dwelling house shall thereby be made to exceed forty feet in height from the level of the street."

Approved July 15, 1896.

AN ORDINANCE AMENDING AN ORDINANCE CONCERNING THE SALEM WATER WORKS AND THE USE OF WENHAM LAKE WATER.

SECTION 1. Section sixteen of chapter fifty-one of the Revised Ordinances of the City of Salem is hereby amended by striking out in the fourteenth clause or paragraph, the words, "for each cask of lime or cement, seven cents," and inserting in place thereof the words, "from three dollars to twenty dollars, at the discretion of the Water Board."

Approved July 15, 1896.

AN ORDINANCE TO AMEND AN ORDINANCE RELATING TO THE PUBLIC HEALTH.

SECTION 1. Section eight of chapter twenty-three of the Revised Ordinances of the City of Salem is

hereby amended by adding at the end thereof the words, "Said Board of Health shall make all needful rules and regulations regarding the keeping and placing for removal of paper and similar articles."

Approved July 15, 1896.

AN ORDINANCE TO AMEND AN ORDINANCE RELATING TO THE COMPENSATION OF CITY OFFICERS.

SECTION 1. Section one of Chapter twelve of the Revised Ordinances is hereby amended by striking out the word "two" in the fourteenth line thereof, and inserting in place thereof the word "five."

Approved July 27, 1896.

AN ORDINANCE TO AMEND AN ORDINANCE RELATING TO THE COMPENSATION OF CERTAIN CITY OFFICERS.

SECTION 1. Section 2 of chapter 12 of the revised ordinances of the City of Salem is hereby amended by striking out the eighth clause thereof, being the second clause on page 105 of the printed edition of said ordinance of 1895, and inserting in place thereof the following: "To the Drivers of each company, the engineman and driver of the

chemical engine, the relief driver and the driver of the Chief Engineer's team, nine hundred and ten dollars each payable weekly."

Approved Oct. 3, 1896.

AN ORDINANCE TO AMEND AN ORDINANCE RELATING TO THE FIRE DEPARTMENT.

SECTION 1. Section 7 of Chapter 16 of the Revised Ordinances of the City of Salem is hereby amended by adding a new clause after the third clause on page 153 which shall read as follows: "Each permanent man in the Department shall be allowed two days leave of absence in each and every month, without loss of pay."

Approved October 26, 1896.

AN ORDINANCE TO AMEND AN ORDINANCE ESTABLISHING THE COMPENSATION OF CERTAIN CITY OFFICERS.

SECTION 1. Section two of Chapter 12 of the Revised Ordinances is hereby amended by striking out the words "to the chief engineer three hundred and twenty-five dollars" and inserting in place thereof

the words "to the chief engineer, six hundred dollars, payable monthly."

SECTION 2. All ordinances or parts of ordinances inconsistent herewith, are hereby repealed.

SECTION 3. This ordinance shall take effect upon its passage.

Approved October 29, 1896.

ORDINANCES PASSED IN 1897.

AN ORDINANCE TO AMEND AN ORDINANCE ESTABLISHING THE COMPENSATION OF CERTAIN CITY OFFICERS.

Section one of chapter twelve of the Ordinances of the City of Salem is hereby amended by striking out the following words: "To the clerk and inspector of the Board of Health, one thousand dollars," and inserting in place thereof the words "To the clerk and inspector of the Board of Health, one thousand three hundred and twelve dollars;" and by striking out the words "To the commissioner of streets one thousand six hundred dollars," and inserting in place thereof the words "To the commissioner of streets one thousand nine hundred and twelve dollars."

Approved March 12, 1897.

AN ORDINANCE TO AMEND AN ORDINANCE RELATING TO THE PUBLIC HEALTH.

Section three of chapter twenty-three of the Revised Ordinances of the City of Salem is hereby

amended by inserting at the end thereof the following words: "He shall annually, on the fourth Monday in December in each year, report to the city council for their information the total amount of all sums paid by him for clerical assistance in his office during the previous fiscal year, and shall make similar report thereof at any other time said council shall so request."

Approved March 12, 1897.

AN ORDINANCE TO AMEND AN ORDINANCE RELATING TO THE COMMISSIONER OF STREETS.

Section two of chapter forty-one of the Revised Ordinances of the City of Salem is hereby amended by inserting at the end thereof the following words: "He shall annually, on the fourth Monday in December in each year, report to the City Council for their information the total amount of all sums paid by him for clerical assistance in his office during the previous fiscal year, and shall make similar report thereof at any other time said council shall so request."

Approved March 12, 1897.

AN ORDINANCE TO AMEND AN ORDINANCE ESTABLISHING THE COMPENSATION OF CERTAIN CITY OFFICERS.

That the third clause of section two on page 105 of the Revised Ordinances of the City of Salem be amended so as to read as follows:

"To all the members of the several steam fire engine, hook and ladder, and hose companies, except the engineers, stokers and drivers, seventy-five dollars each, and ten dollars additional to the foreman and assistant foreman of each company. The assistant foreman of each company shall serve as clerk of the company without additional compensation therefor."

Approved March 12, 1897.

AN ORDINANCE TO AMEND AN ORDINANCE CONCERNING BUILDINGS AND FIRE LIMITS.

SECTION 1. That section eleven of chapter four of the Revised Ordinances of the City of Salem be hereby amended by adding after the word "street" in the second line of said section the following words: "and to be occupied by more than one family."

Approved March 12, 1897.

ORDINANCES PASSED IN 1898.

AN ORDINANCE TO AMEND AN ORDINANCE CONCERNING THE SALEM WATER WORKS AND THE USE OF WENHAM LAKE WATER.

SECTION 1. The City Council shall annually, in the month of January, elect by ballot in concurrence a Joint Standing Committee on Water Works, to be known as the Salem Water Board, consisting of two members of the Board of Aldermen and three members of the Common Council.

SECTION 2. The Salem Water Board shall, as soon after their election as possible, meet and organize by the election of a member thereof as President, who shall also be chairman of the committee. Said Board may make such rules and regulations for the government of all officers and employees in the Water Department, as they may deem expedient, provided the same do not conflict with any statute of the Commonwealth or ordinance of the city.

SECTION 3. Sections 1 and 2 of Chapter LI of the Revised Ordinances of the City of Salem are hereby repealed.

SECTION 4. This ordinance shall take effect upon its passage.

Approved January 11, 1898.

AN ORDINANCE TO AMEND AN ORDINANCE CONCERNING THE SALEM WATER WORKS AND THE USE OF WENHAM LAKE WATER.

SECTION 1. Section eighteen of Chapter fifty-one of the Revised Ordinances is hereby amended by striking out the whole of said section and inserting in place thereof the following:

No charge shall be made for water supplied through a special pipe for fire purposes only, provided that such pipe is approved by the Water Board and is inserted at the expense of the water taker.

Approved February 25, 1898.

AN ORDINANCE AMENDING AN ORDINANCE RELATING TO TO SEWERS AND DRAINS.

SECTION 1. Section twelve of Chapter thirty-six of the Ordinances of the City of Salem is hereby

amended by striking out in the sixteenth line, after the word "drain," the words "Each permit may, at the discretion of said Commissioner, be subject to the condition that such entrance shall be made in the presence of an inspector designated by him," and inserting in place thereof the words: "All connections with main drains and common sewers shall be made by a person holding a drain-layer's license or under his supervision and each permit shall be subject to the condition that such entrance shall be made in the presence of an inspector designated by the Commissioner of Streets," so as to read as follows:

SECTION 12. No person shall enter a particular drain into any main drain or common sewer, or into a private drain connected with any main drain or common sewer, without a permit in writing from the Commissioner of Streets, which permit on the completion of the work, shall be returned to the said commissioner, indorsed by the drain layer with a statement of his proceedings thereunder. Said commissioner is hereby authorized under direction of the Board of Aldermen to grant such permits for estates which abut on the sewer into which an entrance is desired. Each permit and the application therefor shall be subject to the provisions of this ordinance, and shall state in detail the premises to which it applies, and the time, place and manner of constructing such particular drain. All connec-

tions with main drains and common sewers shall be made by a person holding a drain layer's license or under his supervision and each permit shall be subject to the condition that such entrance shall be made in the presence of an inspector designated by the Commissioner of Streets. No private or particular drain shall be entered into any main drain or common sewer, from any estate or part of an estate not already assessed or not liable to assessment, for the cost of such main drain or sewer, except by the consent of the Board of Aldermen. Every person to whom a permit is granted shall, before such permit is issued, pay to the City Treasurer the sum assessed or determined by said Board; provided, however, that if such sum has not been assessed or determined, such permit may be issued subject to the condition that such payment shall be made whenever such sum shall be assessed or determined as aforesaid. Said Commissioner of Streets, on the first Monday of each month, shall transmit to the Board of Aldermen a list of all such permits granted by him during the previous month.

Approved May 25, 1898.

AN ORDINANCE TO AMEND AN ORDINANCE ESTABLISHING THE COMPENSATION OF CERTAIN CITY OFFICERS.

SECTION 1. Section two of Chapter twelve of the Revised Ordinances of the City of Salem, as amended October 29, 1896, is hereby farther amended by striking out the words, "six hundred" in the second clause of said Section two, and inserting in place thereof the words "one thousand," so as to read as follows:—

"To the Chief Engineer, one thousand dollars, payable monthly."

SECTION 2. This ordinance shall take effect upon the thirtieth day of April, A. D., 1898.

Approved June 4, 1898.

AN ORDINANCE TO AMEND AN ORDINANCE ESTABLISHING THE COMPENSATION OF CERTAIN CITY OFFICERS.

SECTION 1. Section one of Chapter twelve of the Ordinances of the City of Salem is hereby amended by striking out the words " to each of the registrars of voters seventy-five dollars; and twenty-five dollars additional for clerk of the board; payable annually in December," in the 66th, 67th and 68th lines thereof, and inserting in place thereof the following words, " to each of the registrars of voters one hundred dollars per annum and fifty dollars per annum

additional for the clerk of the board, payable annually in December."

SECTION 2. This ordinance shall take effect upon its passage.

Approved August 12, 1898.

AN ORDINANCE TO AMEND AN ORDINANCE ESTABLISHING THE COMPENSATION OF CERTAIN CITY OFFICERS.

SECTION 1. Section one of Chapter twelve of the ordinances of the City of Salem, as amended March 12, 1897, is hereby further amended by adding after the words "twelve dollars" the words, "payable in equal weekly payments," so as to read as follows:

"To the clerk and inspector of the Board of Health one thousand three hundred and twelve dollars, payable in equal weekly payments."

SECTION 2. This ordinance shall take effect upon its passage.

Approved August 12, 1898.

AN ORDINANCE REGULATING THE USE OF STREETS.

SECTION 1. No person or persons, other than a regularly organized band, shall play upon any musical instrument, and no person or persons shall sing or speak in the streets or public places of the City of Salem unless duly licensed thereto by the Board of Aldermen.

SECTION 2. Whoever violates any provisions of this ordinance shall be liable to a penalty of not more than twenty dollars for each offence.

Approved October 13, 1898.

AN ORDINANCE ESTABLISHING THE NUMBER OF MEETINGS TO BE HELD BY THE REGISTRARS OF VOTERS FOR THE REGISTRATION OF VOTERS.

SECTION 1. The board of registrars of voters shall hold not less than seven meetings for the registration of voters for the State election, and not less than five meetings for the City election.

Approved October 14, 1898.

AN ORDINANCE TO PREVENT THE DRIPPING OF OIL, GAS HOUSE PRODUCTS, AND SIMILAR SUBSTANCES UPON THE STREETS AND WAYS OF THE CITY.

SECTION 1. No person shall transport, convey or carry, or cause to be transported, conveyed or carried, through any street or way of the city, any kerosene oil, refined petroleum, gas house products and similar substances, unless the vehicles, barrels or vessels in which said oils or any of them are contained while being so transported, conveyed or carried, shall be so constructed and maintained as to

prevent the escape therefrom of any of their contents.

Each tank-wagon or other vehicle used in transporting through any street or way of the city, kerosene oil, refined petroleum, gas house products and similar substances for the purpose of selling, delivering or distributing the same, shall, where the contents of such tank-wagon or other vehicle is delivered by means of a faucet or faucets, have permanently attached thereto beneath each such faucet or faucets a drip pan of such size and form as shall be approved by the commissioner of streets of the city, in order that said oils and products, while being transported, delivered or distributed as aforesaid, shall not drip or fall upon the surface of any street or way of the city; and no person shall allow or permit said oils, or any of them, while being transported, delivered or distributed as aforesaid, to drip or fall upon the surface of any street or way of the city.

SECTION 2. Whoever violates any provision of this ordinance shall be punished by a fine not exceeding twenty dollars for each offence.

Approved November 23, 1898.

AN ORDINANCE RELATING TO FEES FOR DIGGING GRAVES AND EMPTYING VAULTS AND CESSPOOLS.

SECTION 1. All persons making application to the public property department for digging graves shall, before such work shall be performed, pay to the city treasurer the fee established for the same.

SECTION 2. All persons making applications to the health department for emptying vaults or cesspools shall, before such work is performed, deposit with the City Treasurer the price of one load, and as soon as the work is completed a bill shall be rendered and payment demanded for all in excess of one load removed.

SECTION 3. This ordinance shall take effect upon its passage.

Approved December 28, 1898.

AN ORDINANCE TO AMEND AN ORDINANCE RELATING TO THE PUBLIC HEALTH.

SECTION 1. Section 24 of Chapter XXIII of the ordinances of the city is hereby amended by striking out the whole of said section and inserting in place thereof the following:—

SECTION 24. The Board of Health shall have entire supervision and control of the vaccination of any or all the inhabitants of the city; and shall keep

a record of the name, age, residence and date of successful vaccination of each person vaccinated by its order or under its direction, by request of any officer or board of the city or by the city physician; and shall furnish certified copies from such record whenever the same may be necessary or required. Said Board shall require and enforce the vaccination and re-vaccination of all the inhabitants of the city, whenever in the opinion of said board, the public health or safety requires such action. Every person over twenty-one years of age, not under gardianship, who neglects to comply with such requirements shall forfeit the sum of five dollars as provided by statute. Said board shall furnish the means of free vaccination or re-vaccination to all the inhabitants of the city whenever in the opinion of said Board, the public safety requires it.

Approved May 10, 1899.

AN ORDINANCE TO AMEND AN ORDINANCE RELATING TO THE CITY PHYSICIAN.

SECTION 1. Section 3 of Chapter IX of the Ordinances of the City is hereby amended by adding thereto the following sentence: "All duties performed by him under this section shall be under the supervision and direction of the Board of Health" so as to read as follows:—

SECTION 3. He shall vaccinate without charge all persons sent to him by the Overseers of the Poor, such scholars of the public schools, or applicants for admission thereto, as the school committee may direct and all other residents of the City who may apply to him for that purpose, and are unable to pay for such service; provided, such persons have not been successfully vaccinated within three years. He shall give certificates of such vaccination when the same are necessary for admission to the public schools. All duties performed by him under this section shall be under the supervision and direction of the Board of Health.

Approved, May 10, 1899.

AN ORDINANCE TO AMEND AN ORDINANCE RELATING TO THE FIRE DEPARTMENT.

SECTION 1. Section 1 of Chapter XVI of the Ordinances of the City of Salem as amended upon June 20, 1895, and September 10, 1895 is hereby farther amended by striking out the word three in the third line thereof and inserting in place thereof the word "four," and by striking out the words "two hose companies" in the fourth line thereof and inserting in place thereof the words "one hose company" and by striking out the words "one engine-

man" in the first line on page 147 and inserting in place thereof the words "two enginemen" so as to read as follows: —

SECTION 1. The fire department shall consist of a Chief Engineer, such Assistant Engineers as are provided for in section 2 of this ordinance, four steam fire engine companies, one hose company, two hook and ladder companies, two enginemen and a driver of the chemical engine, a driver of the supply wagon and a relief driver.

Section 2. This ordinance shall take effect upon its passage.

Approved May 12. 1899.

AN ORDINANCE RELATING TO FUNDS RECEIVED FROM SALE OF LOTS IN GREENLAWN CEMETERY.

SECTION 1. The proceeds of all sales of lots or portions of lots in Greenlawn Cemetery shall be paid into the City Treasury and kept by the City Treasurer separate and apart from other funds, and be appropriated and used to pay the principal and interest of bonds amounting to four thousand dollars, issued for laying out additional lots in said Cemetery, dated August 1, 1899, until the same are fully paid and thereafter to reimburse the City for any expense incurred in the improvement and embellishment of said Cemetery.

SECTION 2. This Ordinance shall take effect upon its passage.

Approved September 13, 1899.

AN ORDINANCE TO AMEND AN ORDINANCE RELATING TO FINANCE.

SECTION 1. Section 17 of Chapter XV of the Ordinances of the City is hereby amended so as to read as follows:—

"SECTION 17. The office of the Treasurer and Collector of the city shall be kept open for business from Monday to Friday inclusive in each week from 8.30 o'clock A. M. to 4 o'clock P. M., and upon Friday in each week from 7 o'clock P. M. to 9 o'clock P. M., and upon Saturday of each week from 8.30 o'clock A. M. to 2 o'clock P. M. Provided, however, said office shall not be kept open upon any national or state holiday."

SECTION 2. This ordinance shall take effect upon its passage.

Approved December 29, 1899.

AN ORDINANCE TO AMEND AN ORDINANCE RELATING TO FINANCE.

SECTION 1. Chapter XV. Section 29 of the revised ordinances is hereby amended as follows, viz: — In the fifth (5th) line thereof strike out the words "second Monday of March" and insert in place thereof the words "first regular meeting of the Common Council in February."

Approved December 29, 1899.

ORDINANCES

AND

AMENDMENTS TO THE ORDINANCES.

ADOPTED SINCE 1899.

SALEM.
A. N. WEBB & CO., PRINTERS.
1905.

CITY OF SALEM.

ORDINANCES.

ADOPTED SINCE 1899.

AN ORDINANCE TO AMEND AN ORDINANCE ESTABLISHING THE COMPENSATION OF CERTAIN CITY OFFICERS.

Be it ordained by the City Council of the City of Salem as follows.

SECTION 1. That Section two of chapter twelve of the Revised Ordinances be amended by striking out the words, "To the secretary of the board of engineers, seventy-five dollars."

Approved February 16, 1900.

AN ORDINANCE RELATING TO THE CARE OF CEMETERY LOTS.

Be it ordained by the City Council of the City of Salem as follows:

SECTION 1. No lot or part of lot in any public cemetery shall be cared for by the Public Property Department, until the annual charge for such care shall have been paid, together with any charge for like service which may be outstanding.

SECTION 2. The Public Property Department shall annually, on or before April 15th, mail to all persons whose lots have been cared for by that department during the previous year, also to all purchasers of lots during the preceding six months, a printed copy of section one of this ordinance, together with a statement of the amount required to be paid for such care during the current season.

Approved June 28, 1900.

AN ORDINANCE AMENDING AN ORDINANCE RELATING TO SEWERS AND DRAINS.

Be it ordained by the City Council of the City of Salem as follows:

SECTION 1. Section fourteen of chapter thirty-six is hereby amended by striking out the first paragraph and substituting therefor the following: The board of aldermen may license suitable and competent persons to be drain layers, and such licenses shall expire on the first day of July next succeeding their issue, and they may be revoked at any time by said board.

The fee for such licenses shall be at the rate of one dollar per year. All licenses now in force shall expire on the first day of July in the year one thousand nine hundred.

Approved July 14, 1900.

AN ORDINANCE AMENDING AN ORDINANCE RELATING TO FINANCE.

Be it ordained by the City Council of the City of Salem as follows:

SECTION 1. Section twenty-three of chapter fifteen of the Revised Ordinances is hereby amended by striking out in the tenth line thereof the word "seven" and inserting in place thereof the word "six" so that the paragraph shall read, "Upon all taxes remaining unpaid on the fifteenth day of

October interest shall be charged at the rate of six per centum per annum until such taxes are paid.

Approved September 28, 1900.

AN ORDINANCE RELATING TO PRINTING VALUATION LISTS.

Be it ordained by the City Council of the City of Salem as follows:

SECTION 1. The Joint Standing Committee on Collection and Assessment of Taxes, shall, as soon as practicable after the passage of this ordinance and each fifth year thereafter, cause to be prepared and printed for general distribution a list of the real estate and personal property assessed in the City of Salem, together with the valuation of same, the taxes for the current year and the names of the persons to whom such taxes are assessed, also the names of persons assessed for poll taxes.

SECTION 2. The expense of preparing and printing such lists shall be paid from such appropriation as the city council shall determine.

Approved October 24, 1900.

AN ORDINANCE TO AMEND AN ORDINANCE CONCERNING THE SALEM WATER WORKS AND THE USE OF WENHAM LAKE WATER.

Be it ordained by the City Council of the City of Salem as follows:

SECTION 1. Chapter fifty-one of the Revised Ordinances is hereby amended by striking out from section twenty-three, second paragraph, the word "July" and substituting therefor the word "April", so that the paragraph shall read, "The annual rates for the use of water shall be payable on the first day of April in and for each calendar year."

SECTION 2. Section twenty-four of said chapter fifty-one is hereby amended by striking out from the eighth and ninth lines the words "on the first day of August" and substituting therefor the words "after the first day of May," so that the paragraph shall read "and every person whose water rate is unpaid after the first day of May shall be liable to said penalty of two dollars, though the supply may not have been actually cut off."

SECTION 3. This ordinance shall take effect January 1, 1901.

Approved November 14, 1900.

AN ORDINANCE TO AMEND AN ORDINANCE CONCERNING SALEM WATER WORKS AND THE USES OF WENHAM LAKE WATER.

Be it ordained by the City Council of the City of Salem as follows:

SECTION 1. Section eight of chapter fifty-one is hereby amended by striking out the words "tenth day of June" in the tenth line thereof and inserting the words "fifteenth day of March."

SECTION 2. This ordinance shall take effect upon its passage.

Approved November 14, 1900.

AN ORDINANCE ESTABLISHING A BOARD OF SEWERAGE COMMISSIONERS.

Be it ordained by the City Council of the City of Salem as follows:

SECTION 1. The mayor shall, immediately on the passage of this ordinance, appoint, subject to confirmation by the city council, a board of sewerage commissioners to consist of five persons, who shall serve without compensation, none of whom shall be a member of the city government or an officer or employee of the city. He shall appoint

one person to serve until October 1, 1901, one to serve until October 1, 1902, one to serve until October 1, 1903, one to serve until October 1, 1904, and one to serve until October 1, 1905; and thereafter annually the mayor shall appoint, subject to confirmation by the city council, prior to the first day of October, one member of the board of sewerage commissioners who shall hold his office for a term of five years from the first day of October in the year in which he is appointed.

SECTION 2. Said commissioners shall upon their appointment and thereafter annually in the month of October, elect one of their number to serve as chairman. Said commissioners shall serve until their successors are appointed and confirmed.

SECTION 3. Vacancies occurring in the board of sewerage commissioners shall be filled by appointment by the mayor, subject to confirmation by the city council to fill the unexpired term.

SECTION 4. It shall be the duty of said board to consider the various methods of disposal of sewerage and the application of such methods to the sewerage and drainage system of the City of Salem, and to determine the best method to be adopted by said city, to employ such engineering and other

assistance as they may deem necessary to enable them to determine the cause of all nuisance caused by lack of drainage in all of the coves, rivers or basins within the City of Salem, and the best method of disposing of the cause of said nuisance and to cause such surveys and levels to be made as will enable said board to determine with accuracy the best location and grade for all work necessary to be done to perfect the method determined on by said board. To define and show by suitable plans and maps all sewers, drains, buildings, engines and structures of all kinds necessary to be built to perfect the system determined on by said board.

SECTION 5. Said board shall submit to the city council of said city, the method which said board shall determine to be the best method applicable to the sewerage and drainage of the City of Salem as soon as they shall have so determined, together with all maps and plans as herein provided for.

SECTION 6. This ordinance shall take effect upon its passage.

Approved November 14, 1900.

AN ORDINANCE TO AMEND AN ORDINANCE CONCERNING TRUST FUNDS.

Be it ordained by the City Council of the City of

Salem as follows:

SECTION 1. Chapter forty-eight of the ordinances of the city is hereby amended by inserting after section three the following section:

SECTION 4. All trust funds, except so far as the same are invested in notes or bonds of the City of Salem, shall, in the case of each trust, be invested and re-invested by the committee on trust funds, under the direction of the mayor and aldermen, in conformity with the terms of such trust, and the securities representing each investment shall be held by the city treasurer under the direction of said board, and the income thereof shall be expended or disbursed as provided in section one of said chapter, or re-invested as provided in this section.

Approved November 28, 1900.

ORDINANCES PASSED IN 1901.

AN ORDINANCE AMENDING AN ORDINANCE CONCERNING THE APPOINTMENT AND DUTIES OF CITY OFFICERS.

Be it ordained by the City Council of the City of Salem, as follows:

SECTION 1. Section one of chapter eight of the Revised Ordinances is hereby amended by striking out from the paragraph relating to "Inspectors of Animals and Provisions" on the eighty third page, the words "and provisions," so that the paragraph shall then read "they shall also annually in the month of April or as soon thereafter as possible, appoint one or more persons to be inspectors of animals."

SECTION 2. This Ordinance shall take effect April 1st, 1901.

Approved February 15, 1901.

AN ORDINANCE AMENDING AN ORDINANCE ESTABLISHING THE COMPENSATION OF CERTAIN CITY OFFICERS.

Be it ordained by the City Council of the City of Salem as follows:

SECTION 1. Section one of chapter twelve of the Revised Ordinances is hereby amended by striking out the paragraph reading "To the Inspector of Animals and Provisions three hundred dollars, payable in equal quarterly payments," and inserting in place thereof the following: "To the Inspector of Animals one hundred dollars payable in equal quarterly payments."

SECTION 2. This ordinance shall take effect April 1, 1901.

Approved February 15, 1901.

AN ORDINANCE AMENDING CHAPTER TWENTY-FOUR OF THE ORDINANCES, ENTITLED "AN ORDINANCE FOR THE INSPECTION OF ANIMALS AND PROVISIONS."

Be it ordained by the City Council of the City of Salem as follows:

SECTION 1. Chapter twenty-four of the Ordi-

nances of the city is hereby amended by striking out the words "animals and" in the title thereof, so that the title, as amended, shall read as follows: "An ordinance for the Inspection of Provisions."

SECTION 2. Section one of said chapter twenty-four is hereby amended by striking out the whole of said section and inserting in place thereof the following:-Section 1. The board of health shall annually in the month of March appoint a suitable person to be an inspector of provisions, who shall, unless sooner removed, hold office for the term of one year from the first day of April in the year in which he is appointed, and until his successor is appointed and qualified. He shall be sworn faithfully to discharge the duties of his office, and shall receive such compensation as the city council may determine. He may be removed at any time by the board of health, but in case of his removal another person shall be immediately appointed in his place. Said inspector shall make such inspections, perform such duties and keep such records, as the board of health, under the provisions of section twenty of chapter four hundred and eight of the Acts of the year eighteen hundred and ninety-nine or of any other provision of law, may authorize or require, or as are required by law. The board of health shall have at all times the right to inspect

such records and make copies thereof.

Approved April 18, 1901.

AN ORDINANCE RELATIVE TO THE INSPECTION OF ANIMALS.

Be it ordained by the City Council of the City of Salem as follows:

SECTION 1. The Mayor and Aldermen shall annually, in the month of March, appoint, subject to the approval of the Board of Cattle Commissioners of the Commonwealth, a suitable person to be an inspector of animals, who shall, unless sooner removed, hold office for the term of one year from the first day of April in the year in which he is appointed, and until his successor is appointed and qualified. He shall be sworn to the faithful discharge of his duties and shall receive such compensation as the city council may determine. He may be removed at any time by the mayor and aldermen. Whenever a vacancy occurs in said office, by removal or otherwise, it shall be filled for the remainder of the term by appointment as aforesaid. Said inspector shall have and exercise such power and authority and perform such duties as

are authorized or required by law.

SECTION 2. Said inspector shall annually, on the fourth Monday of December, render to the city council a full report of his acts during said year.

SECTION 3. Section one of chapter eight of the ordinances of the city is hereby amended by striking out the word "April" in the tenth line, and inserting in place thereof the word "March" and by striking out the words "and provisions," in the twelfth line.

Approved April 18, 1901.

AN ORDINANCE AMENDING AN ORDINANCE ESTABLISHING THE COMPENSATION OF CERTAIN CITY OFFICERS.

Be it ordained by the City Council of the City of Salem as follows:

SECTION 1. Section one of chapter twelve of the ordinances of the city, as amended by an ordinance approved February fifteenth in the year one thousand nine hundred and one, is hereby further amended by inserting after the words "To the Inspector of Animals, one hundred dollars," the

words "to the inspector of provisions two hundred and fifty dollars," so as to read as follows: "To the inspector of animals, one hundred dollars; to the inspector of provisions two hundred and fifty dollars; payable in equal quaterly payments."

Approved April 18, 1901.

AN ORDINANCE TO AMEND AN ORDINANCE RELATING TO STREETS.

Be it ordained by the City Council of the City of Salem as follows:

SECTION 1. Section twenty-eight of chapter forty-four be amended to read as follows:—

SECTION 28. No person shall place or maintain any awning, canopy, shade or frame for the same in any street, without written permission from the board of aldermen, which may be revoked at any time, nor unless the same shall be safely and securely fastened, and so located and constructed as not to interfere with passengers, and so that the lowest part thereof shall in no case be less than seven feet above the sidewalk; and the person so placing or

maintaining the same shall conform to any direction relative to the materials, construction and maintenance thereof which shall be given by said board. Said board may order the immediate removal of any awning, canopy, shade or frame which now is or hereafter may be placed or maintained over any street, and if the owner or any person having the care thereof shall neglect or refuse to comply with the order aforesaid the commissioner of streets shall cause the same to be removed at the expense of such owner or person.

SECTION 2. All ordinances inconsistent herewith are hereby repealed.

SECTION 3. This ordinance shall take effect on its passage.

Approved April 18, 1901.

AN ORDINANCE TO AMEND AN ORDINANCE RELATING TO THE FIRE DEPARTMENT.

Be it ordained by the City Council of the City of Salem as follows:

SECTION 1. Section seven of chapter sixteen of the Ordinances of the City of Salem as amended

on October 26, 1896, is hereby further amended by striking out the word "two" in said amendment and inserting in place thereof the word "three" so as to read as follows:—"Each permanent man in the department shall be allowed three days leave of absence in each and every month without loss of pay."

SECTION 2. This ordinance to take effect upon its passage.

[This ordinance went into effect without the approval of the Mayor.]

AN ORDINANCE TO AMEND AN ORDINANCE RELATING TO SIDEWALKS.

Be it ordained by the City Conucil of the City of Salem as follows:

SECTION 1. Section one of chapter thirty-seven of the revised ordinances is hereby amended by striking out all of said section after the word "city" in the seventh line and adding in place thereof the words,"and shall construct and cover such walk with brick, concrete or other suitable material; provided, however, that such owner or abutter shall first make written application to said commissioner for the same in a book kept for that purpose, and pay

the cost of laying such cover before the work shall be begun."

Approved May 31, 1901.

AN ORDINANCE AMENDING AN ORDINANCE CONCERNING THE SEALER OF WEIGHTS AND MEASURES.

Be it ordained by the City Council of the City of Salem, as follows:

SECTION 1. The mayor and aldermen shall annually in March or April, appoint a sealer of weights and measures, who shall serve for one year from the first day of May in the year in which he is appointed, and until another is appointed and qualified in his stead; and he shall have all the powers and perform all the duties prescribed by the laws of the Commonwealth relative to the sealing of weights and measures. He shall be sworn to the faithful performance of his duties. The mayor and aldermen may at any time remove such sealer and appoint another in his place.

SECTION 2. The sealer of weights and measures shall be provided by the city council with suitable office accommodations for the performance

of the duties required of him. He shall establish such office hours as may best accommodate persons having scales, weights or measures, which they may desire him to seal at his office.

SECTION 3. The sealer of weights and measures shall annually, on the fourth Monday of December, make a full report to the board of aldermen of his doings during the preceding year, stating the amount of fees received therefor, with an inventory of all the city or state property in his charge.

SECTION 4. Said sealer of weights and measures shall receive a salary of five hundred dollars per annum, payable in equal monthly instalments, which sum is to be in full for all services rendered by him in the performance of his duties. All fees received by him shall be paid to the city treasurer monthly.

SECTION 5. Chapter fifty-two of the ordinances of the city as revised in the year one thousand eight hundred and ninety-five is hereby repealed.

Approved July 12, 1901.

AN ORDINANCE TO AMEND AN ORDINANCE RELATING TO THE FIRE DEPARTMENT.

Be it ordained by the City Council of the City of Salem, as follows:

SECTION 1. Section seven of chapter sixteen of the ordinances of the city is hereby amended by striking out the whole of said section and inserting in place thereof the following:—Section seven. Each steam fire engine company shall consist of ten hose men, an engineer, a stoker and two drivers; each hook and ladder company shall consist of twelve ladder men and a driver and the hose company not attached to any engine shall consist of seven men and a driver; provided that members now serving in the several companies shall continue in service until they are removed or their positions are otherwise vacated.

In addition to those members of the fire department hereinbefore provided for, there shall be appointed by the mayor and aldermen in the manner hereinafter provided three substitute hosemen for each steam fire engine company, and three substitute laddermen for each hook and ladder company whose duties it shall be to serve in place of the regular firemen when designated for such service as herein provided. Should a regular member of

any company be absent without leave from any working fire to which his company responds, the foreman or acting foreman of such company may designate any substitute for such company, who may be present, to serve in place of the absent member, and there shall be deducted from the compensation of such absent member the sum of one dollar which shall be allowed and paid to such substitute in full compensation for any services rendered by him at such fire.

Whenever a vacancy exists or occurs in the regular or substitute members of the fire department, the board of engineers shall forthwith notify the mayor and aldermen thereof and may recommend a suitable person to fill the vacancy; but if the vacancy be in the regular members, only a substitute member may be so recommended. The mayor and aldermen shall, within thirty days after the receipt of said notice, appoint some person to fill such vacancy and the city clerk shall notify the board of engineers of such appointment. The person appointed shall hold office from the date of his appointment until another is appointed in his place unless sooner removed, and any member of the department may be removed at any time by the mayor and aldermen upon the recommendation of the board of engineers or otherwise, or may be dis-

charged at his own request by vote of the board of engineers.

Immediately upon the appointment of any regular or substitute member there shall be issued to him a certificate thereof signed by the city clerk.

No person shall be appointed such member who is not a legal voter in this city, and no person whose daily occupation is carried on outside the city shall be appointed, or continue an officer or member of the department. Any officer or member who removes from the city or whose daily occupation is carried on outside the city, shall be at once discharged from the department by-the board of engineers, unless his membership has been otherwise vacated. If any member desires to leave the city temporarily he shall notify the engineer having charge of the company to which he belongs, and shall provide a substitute satisfactory to such engineer; and the compensation of such substitute shall be paid by said member. Members of the department, except permanent members, shall be retired from service by the board of engineers after they arrive at the age of sixty years, and no person over sixty years shall be appointed a call member of the department.

The board of engineers shall designate one of

the enginemen attached to the chemical engine who shall have charge and direction of the engine at fires. All permanent men shall give their entire time to the service of the department, and perform such service as may be required by the board of engineers.

Each permanent man in the department shall be allowed three days leave of absence in each and every month, without loss of pay.

SECTION 2. This ordinance shall take effect upon December 1, 1901.

Approved October 24, 1901.

AN ORDINANCE TO AMEND AN ORDINANCE ESTABLISHING THE COMPENSATION OF CERTAIN CITY OFFICERS.

Be it ordained by the City Council of the City of Salem as follows:

SECTION 1. Section two of chapter twelve of the revised ordinances is hereby amended by striking out the words "To the stokers of the steam fire engines one hundred and twenty-five dollars" and inserting in place thereof the words "To stokers of the steam

fire engines one hundred and fifty dollars," and by striking out in the third clause of said section on page one hundred five, as amended March 12, 1897, the words "seventy-five dollars each," and inserting in place thereof the words "one hundred dollars each."

SECTION 2. This ordinance shall take effect upon its passage.

Approved October 24, 1901.

AN ORDINANCE TO AMEND AN ORDINANCE RELATING TO THE FIRE DEPARTMENT.

Be it ordained by the City Council of the City of Salem as follows:

SECTION 1. Section nine of chapter sixteen of the revised ordinances is hereby repealed and the following substituted.

SECTION 9. The board of engineers shall annually in the month of May appoint one member of each company to serve as foreman and one member to serve as assistant foreman, the latter to serve also as clerk of the company. Each company may annually elect such other officers as may be

approved by the board of engineers, and may establish such rules and regulations for its government subject to the approval of the board of engineers, as do not conflict with law or ordinance.

SECTION 2. This ordinance shall take effect upon its passage.

Approved October 24, 1901.

AN ORDINANCE RELATIVE TO THE PENSIONING OF FIREMEN PERMANENTLY DISABLED.

Be it ordained by the City Council of the City of Salem, as follows:

SECTION 1. Upon the recommendation of the chief engineer of the fire department to the city council, or upon his own petition therefor, any fireman in the employ of the city who by reason of permanent disability incurred while in the discharge of his duty as a fireman, is no longer able to perform active service as such fireman, shall receive such a pension, for such a time, and to such an amount as the city council, after hearing before a committee thereof, may determine.

SECTION 2. Every pension granted to a fireman

shall be under the following restrictions and subject to the following provisions, viz: (1) It shall be payable monthly. (2) It may be increased, diminished or revoked at any time after notice to the pensioner and a hearing before a committee of the city council.

SECTION 3. The city physician shall examine every person recommended for, or applying for such pension, and shall furnish to the city council a written statement in regard to his physical condition so far as it effects permanently his ability to perform active service as a fireman.

SECTION 4. The chief engineer of the fire department shall furnish to the city council a written statement of the circumstances under which the disability was incurred, and the sources of his information in regard to the same.

SECTION 5. The pension granted to the chief engineer of the fire department shall not exceed one half of the amount of his salary. The pension granted to any other member of the fire department shall not exceed thirty-five dollars per month in any case.

Approved October 31, 1901.

AN ORDINANCE TO AMEND AN ORDINANCE FOR THE REGULATION OF PLUMBING.

Be it ordained by the City Council of the City of Salem, as follows :

SECTION 1. Section seven of chapter thirty-one of the revised ordinances is hereby amended by striking out the entire section and substituting the following therefor, viz:

SECTION 7. Drains and soil pipes through which waste water and sewage is used and carried, shall be of cast iron when placed within a building and for a distance not less than five feet outside of the foundation walls thereof. They shall be sound, free from holes and other defects, and shall be of uniform thickness of not less than the weight specified in the following table for the corresponding internal diameter, viz:

2-inch diameter, 4 pounds per lineal foot.
3-inch diameter, 6 pounds per lineal foot.
4-inch diameter, 9 pounds per lineal foot.
5-inch diameter, 12 pounds per lineal foot.
6-inch diameter, 15 pounds per lineal foot, provided however, that above all fixtures soil pipes may be of what is known as "standard" weight.

They shall be securely ironed to walls, laid in trenches to a uniform grade, or suspended from

floor timbers by strong iron hangers. They shall be supplied with a suitable trap having an accessible cleanout, placed either outside or inside the foundation wall of the building.

They shall have a proper fall toward the main drain or common sewer, and soil-pipes shall be carried out through the roof, open and undiminished in size to such height as may be directed by said board of health; but not less than two feet above any window or opening into the building. Changes in direction shall be made with curved pipes, and connections with horizontal pipes shall be made with Y branches. A suitable clean-out shall be provided in the drain near the point where it leaves the building in as direct a line as possible with the sewer connection and on all runs of horizontal pipe so as to admit of cleaning from every point.

Section two of said chapter thirty-one is hereby amended by striking out the words, "one trap shall be permitted to serve for one set of wash trays and a sink, provided the distance between said fixtures is not less than five inches," and inserting in place thereof the words, "one trap shall be permitted to serve for one set of wash trays and a sink or for a wash basin and bath tub,

provided the distance between said fixtures is not more than three feet and the diameter of the trap is not less than five inches."

Approved November 29, 1901.

AN ORDINANCE RELATING TO FUNDS RECEIVED FROM THE SALE OF LOTS IN GREENLAWN CEMETERY.

Be it ordained by the City Council of the City of Salem as follows:

SECTION 1. The proceeds of all sales of lots or portions of lots in Greenlawn cemetery shall be received by the city treasurer and credited to a separate account and shall be appropriated and used to pay the principal and interest of bonds issued on the first day of August, 1899, for the laying out of additional lots in said cemetery and amounting to four thousand dollars and the principal and interest of any subsequent issue of bonds for the purpose of making additions to or improvements in said cemetery, until the same are fully paid and thereafter to reimburse the city for any expense incurred in the improvement or embellishment of said cemetery.

SECTION 2. The Ordinance approved September 13, 1899, relating to the same subject as this ordinance is hereby repealed.

SECTION 3. This ordinance shall take effect upon its passage.

Approved December 13, 1901.

AN ORDINANCE TO AMEND AN ORDINANCE ESTABLISHING THE COMPENSATION OF CERTAIN CITY OFFICERS.

Be it ordained by the City Council of the City of Salem as follows:

SECTION 1. Section two of an ordinance approved June 20, 1896, amending section one of chapter twelve of the revised ordinances, is hereby further amended by striking out in the last line thereof the words "as city treasurer one thousand" and inserting in place the words, "two thousand two hundred" so that the section shall read,

"Section one of chapter twelve of the revised ordinances is hereby amended by striking

out in the eleventh, twelfth and thirteenth lines thereof, the words 'to the city treasurer two thousand dollars. To the city collector one thousand five hundred dollars,' and substituting therefor the words, 'to the city treasurer and collector in full for his services two thousand two hundred dollars.'"

SECTION 2. Sections three and seven of said ordinance approved June 20, 1896, are hereby repealed.

SECTION 3. This ordinance shall take effect February 1, 1902.

Approved Janurary 3, 1902.

ORDINANCES PASSED IN 1902.

AN ORDINANCE AMENDING AN ORDINANCE RELATING TO THE PUBLIC HEALTH.

Be it ordained by the City Council of the City of Salem, as follows:—

SECTION 1. Section one of chapter twenty-three of the ordinances of the city is hereby amended by striking out the whole of said section, and inserting in place thereof, the following:—

SECTION 1. The board of health of the City of Salem shall consist of three persons, one of whom shall be a doctor of medicine and no one of whom shall be a member of the city council. Upon the passage of this ordinance the city council shall elect in concurrence one member of said board to serve until the first Monday of February in the year one thousand nine hundred and three, one member to serve

until the first Monday of February in the year one thousand nine hundred and four, and one member to serve until the first Monday of February in the year one thousand nine hundred and five; and after the current year one member shall annually, in the month of January, be elected as aforesaid to serve for the term of three years beginning with the first Monday of February in the year in which he is elected. The members of said board shall receive such compensation as the city council may determine and may be removed at any time at the pleasure of the city council by concurrent vote thereof. Any vacancy in said Board shall be filled in the manner herein provided for the original election.

SECTION 2. Section two of said chapter twenty-three is hereby amended by inserting before the word "such" in the fourth line, the words:— "a clerk who shall not be a member of said Board, and"

SECTION 3. Section three of said chapter twenty-three is hereby repealed.

SECTION 4. This ordinance shall take effect upon its passage.

Approved January 29, 1902.

AN ORDINANCE TO AMEND AN ORDINANCE CONCERNING THE SALEM WATER WORKS AND THE USE OF WENHAM WATER.

Be it ordained by the City Council of the City of Salem as follows:

SECTION 1. The seventeenth regulation of section sixteen of chapter fifty-one of the ordinances of the city is hereby amended by striking out all of said regulation and substituting therefor the following:—

Rates for water consumed by meter measurement. First two thousand cubic feet or less per quarter, fifteen cents per one hundred cubic feet; next eight thousand cubic feet or less per quarter, twelve and one-half cents per one hundred cubic feet; next forty thousand cubic feet or less per quarter, ten cents per one hundred cubic feet; next fifty thousand cubic feet or less per quarter, six cents per one hundred cubic feet; and for manufacturing purposes for any quantity in excess of one hundred thousand cubic feet per quarter, five cents per one hundred cubic feet.

SECTION 2. This ordinance shall take effect upon its passage.

Approved February 3, 1902.

AN ORDINANCE TO AMEND AN ORDINANCE RELATING TO FINANCE, BEING CHAPTER FIFTEEN OF THE REVISED ORDINANCES OF 1895.

Be it ordained by the City Council of the City of Salem as follows:—

SECTION 1. The amendment to the ordinances approved June 20, 1896, relating to a combination of the offices of city treasurer and city collector, is hereby repealed.

SCTION 2. Section eighteen of chapter fifteen of the revised ordinances of 1895 is hereby reestablished as follows:

CITY COLLECTOR.

SECTION 18. The city council shall annually in the month of January, elect by viva voce vote in joint convention, a city collector, who shall not be the city treasurer, who shall hold office for one year from the first day of February in the year of his election. The collector so chosen shall be sworn to the faithful discharge of the duties of his office, and shall continue in office until his successor is elected and qualified, or until he is removed, and he may be removed at any time by con-

current vote of the city council. A vacancy in the office may be filled at any time by the city council in the manner provided for the annual election.

SECTION 3. Section fifteen which was repealed by the amendment of 1896, is hereby reestablished as follows:—

SECTION 15. The city treasurer shall give a bond for the faithful performance of the duties of his office as city treasurer in the amount of thirty thousand dollars, to be approved by the board of aldermen, and from a fidelity company satisfactory to said board.

SECTION 4. Section seventeen of said chapter fifteen is hereby repealed and the following substituted, viz:—

The office of the city treasurer shall be kept open for business from Monday till Friday inclusive, in each week, from 8.30 o'clock A. M., until 4 o'clock P. M., and upon Saturday of each week from 8.30 o'clock A. M., until 2 o'clock P. M., national and state holidays excepted.

SECTION 5. Section twenty-five which was repealed by the amendment of 1896, is hereby reestablished as follows:—

SECTION 25. The city collector shall give a bond for the faithful performance of the duties of his office as city collector, in the sum of thirty thousand dollars to be approved by the board of aldermen, and from a fidelity company satisfactory to said board.

SECTION 6. Section twenty-seven is hereby amended by striking out the whole of said section and inserting in place thereof the following:

SECTION 27. The office of the city collector shall be kept open for business from Monday to Friday inclusive in each week, from 8.30 o'clock A. M., to 4 o'clock P. M.; and upon Saturday of each week, from 8.30 o'clock A. M. to 2 o'clock P. M.; and upon Friday of each week from 7 to 9 o'clock P. M., and also during the hours that the registrars of voters are holding sessions for the registration of voters, provided, however, said office shall not be kept open any national or state holiday.

SECTION 7. Section five is hereby amended by adding at the end thereof the following words:—

Said statements shall show all amounts collected by the city collector during the preceding calendar month, specifying the amounts credited

to each department separately, and the amount of the taxes for each year, collected during the preceding calendar month.

SECTION 8. Section nine is hereby amended by adding at the end thereof the following words:—

"An amount not exceeding four hundred dollars shall be allowed and paid for clerical assistance in the office of the city treasurer."

SECTION 9. Section nineteen is hereby amended by adding after the words "The city collector shall receive such compensation as the city council may determine" in the second line thereof, the words, "and an amount not exceeding seven hundred and fifty dollars shall be allowed and paid for clerical assistance in his office."

SECTION 10. This ordinance shall take effect upon its passage.

Approved March 27, 1902.

AN ORDINANCE TO AMEND AN ORDINANCE ESTABLISHING THE COMPENSATION OF CERTAIN CITY OFFICERS.

Be it ordained by the City Council of the City of Salem as follows:—

SECTION 1. Sections one, two and three of an amendment to an amendment of the ordinances, approved January 3, 1902, establishing the compensation of the city treasurer and collector at twenty-two hundred dollars per annum, is hereby repealed and the following adopted in place thereof:—

SECTION 2. To the city treasurer, one thousand four hundred dollars. To the city collector, one thousand three hundred dollars.

SECTION 3. This ordinance shall take effect upon its passage.

Approved April 5, 1902.

AN ORDINANCE TO AMEND AN ORDINANCE RELATING TO THE FIRE DEPARTMENT.

Be it ordained by the City Council of the City of Salem as follows:

SECTION 1. Section one of chapter sixteen of

the ordinances of the city, as amended by an ordinance approved May 12, 1899, is hereby further amended by striking out the words "a relief driver" in the last line, and inserting in place thereof the words "two relief drivers."

SECTION 2. The relief drivers shall give their entire time to the service of the city, shall relieve any regular drivers when needed, and shall perform such other duties as may be required of them by the chief engineer.

SECTION 3. This ordinance shall take effect upon its passage.

Approved April 9, 1902.

AN ORDINANCE TO AMEND AN ORDINANCE ESTABLISHING THE COMPENSATION OF CERTAIN CITY OFFICERS.

Be it ordained by the City Council of the City of Salem, as follows:

SECTION 1. Section one of chapter twelve of the city ordinances as amended is hereby further amended by striking out the words "one hun-

dred dollars," as applying to the inspector of animals and inserting in place thereof the words "two hundred dollars" so that the clause shall read "To the Inspector of Animals two hundred dollars."

SECTION 2. This ordinance shall take effect on the first day of April, 1902.

Approved June 18, 1902.

AN ORDINANCE CONCERNING DEALERS IN JUNK, OLD METALS AND SECOND-HAND ARTICLES.

SECTION 1. The board of aldermen may license suitable persons to be dealers in and keepers of shops for the purchase, sale or barter of junk, old metals or second-hand articles, in this city. Such licenses, unless revoked, shall continue in force until the first day of May next after their issue. For every license so issued, there shall be paid to the city clerk, the sum of five dollars for the use of the city.

SECTION 2. All persons licensed as aforesaid shall keep a book, in which shall be written in English, at the time of every purchase by him

of any such article, a description thereof, the name, age and residence of the person from whom, and the day and hour when, such purchase was made; such book shall at all times be open to the inspection of the mayor and aldermen and members of the police department.

SECTION 3. Every keeper of a shop shall put in some suitable and conspicuous place on his shop, a sign, having his name and occupation legibly inscribed thereon, in large letters. Such shop and all articles therein may be at any time examined by the mayor and aldermen, or by any member of the police department.

SECTION 4. No keeper of such a shop shall, directly or indirectly either purchase or receive by way of barter or exchange, any of the articles aforesaid of a minor or apprentice, knowing or having reason to believe him to be such, and no article purchased or received shall be sold until a period of at least one week from the date of its purchase or receipt has elapsed.

SECTION 5. No such shop shall be open on Sunday, nor on any other day of the week, except during the hours between sunrise and ten o'clock in the evening; and none of the articles afore-

said shall be purchased or received during the hours such shop is required to be closed.

SECTION 6. The board of aldermen may license any licensed dealer in junk, old metals or second-hand articles, to set up and use any wagon or other vehicle, for the purpose of collecting any of the articles aforesaid, in this city and no person shall set up and use any vehicle for said purpose without a license from said board for each vehicle to be so set up and used. No person thus licensed shall, directly or indirectly, either purchase or receive by way of barter or exchange, any of the articles aforesaid, of a minor or apprentice, knowing or having reason to believe him to be such. Every vehicle so licensed shall have the name of the person licensed and the number of the license placed upon the outside and each side thereof, in plain legible words and figures of not less than three inches in length, and so that the same be distinctly seen. One dollar shall be paid to the city clerk for the use of the city for each license granted under this section.

SECTION 7. Licenses under this ordinance shall be granted only to citizens of Salem; shall be signed and recorded by the city clerk. No

license granted and issued as aforesaid shall be valid to protect the holder thereof in any building or place other than that designated in the license unless consent to removal is granted by the board of aldermen, which consent shall be indorsed on the license. Any license granted under this ordinance may be revoked at the pleasure of the board of aldermen, and all the provisions of this ordinance shall be incorporated in every such license.

SECTION 8. All persons who buy second hand books or furniture, but do not buy or sell junk or old metals, shall be exempt from the provisions of this chapter.

SECTION 9. Whoever engages in the business of dealing in junk, old metals, etc., without having first obtained a license or permit, or offends against any of the provisions of this chapter, shall forfeit and pay for each offence, a sum not exceeding twenty dollars.

Approved July 11, 1902.

AN ORDINANCE AMENDING AN ORDINANCE RELATING TO SIDEWALKS.

Be it ordained by the City Council of the City of Salem as follows:—

SECTION 1. Section one of chapter thirty-seven as amended May 31, 1901, is hereby further amended by repealing said amendment and inserting in place thereof the following after the word "city" in the seventh line of the original ordinance on page 249 of the revised ordinances:—

Provided, however, that such owner shall first make written application to said commissioner for the same, in a book kept for that purpose, and deposit with the city collector a sum equal to the cost to the city of laying such sidewalk as shall be stipulated in such application, but in no case shall the deposit required exceed the cost of laying such sidewalk at the price at which the city holds a contract for laying sidewalks of the kind stated in such application.

If within thirty days after such edgestones have been set such owner shall construct and cover such sidewalk with brick, concrete, or other suitable material, satisfactory to said commissioner, said commissioner shall certify to

the same in writing and the city treasurer shall, upon the presentation of such certificate, refund to such owner the amount so deposited, but if at the expiration of thirty days from the setting of such edgestones, such owner has not constructed such sidewalk, said commissioner shall proceed to lay and construct the same, and the cost thereof shall be paid from the amount so deposited by such owner.

SECTION 2. The ordinance shall take effect upon its passage.

Approved July 26, 1902.

AN ORDINANCE TO AMEND AN ORDINANCE RELATING TO THE OFFICE HOURS OF THE CITY COLLECTOR.

Be it ordained by the City Council of the City of Salem, as follows:

SECTION 1. Section twenty-seven of the amendment to the ordinances relating to the city collector, being chapter fifteen of the revised ordinances of 1895, and which was ap-

proved March 27, 1902, is hereby further amended by striking out the words "and upon Friday of each week, from 7 to 9 o'clock P. M." so as to read, "The office of city collector shall be kept open for business from Monday to Friday inclusive in each week, from 8.30 o'clock A. M. to 4 o'clock P. M.; and upon Saturday of each week, from 8.30 o'clock A. M. to 2 o'clock P. M.; also during the hours the registrars of voters are holding sessions for the registration of voters; provided, however, said office shall not be kept open any national or state holiday."

SECTION 2. This ordinance shall take effect upon its passage.

Approved October 1, 1902.

AN ORDINANCE TO AMEND AN ORDINANCE RELATING TO FINANCE, BEING CHAPTER FIFTEEN OF THE REVISED ORDINANCES OF 1895.

Be it ordained by the City Council of the City of Salem as follows:—

SECTION 1. The amendment to the ordinances approved March 27, 1902, relating to the amount allowed and paid for clerical assistance in the office

of the city collector, is hereby further amended by striking out the words "seven hundred and fifty" in section nine of said amendment, and inserting in place thereof the words "nine hundred and thirty-six," so as to read, "The city collector shall receive such compensation as the city council may determine, and an amount not exceeding nine hundred and thirty-six dollars shall be allowed and paid for clerical assistance in his office."

SECTION 3. This ordinance shall take effect the first day of December, 1902.

Approved November 14, 1902.

AN ORDINANCE TO AMEND AN ORDINANCE RELATING TO FINANCE, BEING CHAPTER FIFTEEN OF THE REVISED ORDINANCES OF 1895.

Be it ordained by the City Council of the City of Salem, as follows :—

SECTION 1. The amendment to the ordinances approved March 27, 1902, relating to the amount allowed and paid for clerical assistance in the office of the city treasurer, is hereby further amended by striking out the word "fifty" and inserting in place thereof the words "sixty-eight," so as to read, "an amount not exceed-

ing four hundred and sixty-eight dollars shall be allowed and paid for clerical assistance in the office of the city treasurer."

SECTION 2. This ordinance shall take effect on the first day of December, 1902.

Approved November 14, 1902.

AN ORDINANCE TO AMEND AN ORDINANCE ESTABLISHING THE COMPENSATION OF CERTAIN CITY OFFICERS, BEING CHAPTER TWELVE OF THE REVISED ORDINANCES OF 1895.

Be it ordained by the City Council of the City of Salem, as follows :—

SECTION 1. The amendment to the ordinances approved March 12, 1897, relating to the compensation of the commissioner of streets is hereby further amended by striking out the words "one thousand nine hundred and twelve" in the eleventh and twelfth lines of said amendment, and inserting in place thereof the words "two thousand and sixty-eight," so as to read, "To the commissioner of streets, two thousand and sixty-eight dollars."

SECTION 3. This ordinance shall take effect on the first day of December, 1902.

Approved November 14, 1902.

AN ORDINANCE TO AMEND AN ORDINANCE ESTABLISHING THE COMPENSATION OF CERTAIN CITY OFFICERS, BEING CHAPTER TWELVE OF THE REVISED ORDINANCES OF 1895.

Be it ordained by the City Council of the City of Salem, as follows:—

SECTION 1. Section one of chapter twelve is hereby amended by striking out the words "two hundred" in the ninth line on page one hundred and one, and inserting in place thereof the words "five hundred and thirty six" so as to read, "To the city clerk, two thousand five hundred and thirty-six dollars."

SECTION 2. This ordinance shall take effect on the first day of December, 1902.

Approved November 14, 1902.

ORDINANCES PASSED IN 1903.

AN ORDINANCE TO AMEND AN ORDINANCE CONCERNING THE SALEM WATER WORKS AND THE USE OF WENHAM LAKE WATER.

Be it ordained by the City Council of the City of Salem as follows:—

Section seven of chapter fifty-one of the revised ordinances of the City of Salem is hereby amended by inserting in the seventh clause or paragraph and the first line thereof, after the word "let" the words "on or shut off" and after the word "any" the word "service," also by striking out the word "into" and inserting the word "from".

So that the clause shall read as amended: "No person shall let on or shut off the water from any service pipe, except by written per-

mission of the water board, any and person violating this regulation shall be liable to a penalty of ten dollars.

Approved February 27, 1903.

AN ORDINANCE TO AMEND AN ORDINANCE RELATING TO THE CITY PHYSICIAN.

Be it ordained by the City Council of the City of Salem as follows:—

SECTION 1. Section six of chapter nine of the revised ordinances is hereby amended by striking out the word "fifty" in the eighth line and inserting in place thereof the word "twenty-five," and by adding after the word "vaccinate" in the eighth line, the words "subsequent to the passage of a general vaccination order;" and by striking out the word "five" in the thirteenth line and inserting in place thereof the word "ten," and by adding at the end of the paragraph the words "and provided further however, that the total compensation allowed the city physician for any one day's service shall in no case exceed twenty-five

dollars," so that said section shall read as follows:

SECTION 6. The city physician shall receive such compensation as the city council may determine, and the same shall be in full for all services required of him, except when a general vaccination of all the inhabitants is ordered or when he is called upon to attend persons sick with small-pox; in which cases he shall be allowed, in addition to such compensation, twenty-five cents for each person he shall vaccinate, subsequent to the passage of such general vaccination order, and the actual cost for the virus used therefor, and two dollars for each visit to a small-pox patient; provided however, that when such visits are made at the small-pox hospital, he shall be allowed one dollar only, for each patient in excess of five he shall visit at any one time, and provided further however, that the total compensation allowed the city physician for any one day's service shall in no case exceed twenty-five dollars.

SECTION 2. This ordinance is further amended by adding a new section at the end thereof to be known as section seven.

SECTION 7. The city physician shall in case of special service performed by him, for which he claims compensation in addition to his regular yearly salary, render an itemized bill for the same, showing the amounts claimed by him for each day's service so performed.

Approved December 18, 1903.

AN ORDINANCE TO AMEND AN ORDINANCE TO ESTABLISH THE COMPENSATION OF CERTAIN CITY OFFICERS.

Be it ordained by the City Council of the City of Salem, as follows:—

SECTION 1. Section two of chapter twelve, is hereby amended by adding the words "To the secretary of the board of engineers, seventy-five dollars."

SECTION 2. This ordinance shall take effect January 1, 1904.

Approved December 18, 1903.

ORDINANCES PASSED IN 1904.

AN ORDINANCE TO AMEND AN ORDINANCE ESTABLISHING THE COMPENSATION OF CERTAIN CITY OFFICERS.

Be it ordained by the City Council of the City of Salem as follows :—

SECTION 1. Section one of chapter twelve of the ordinances of the city, as amended by an ordinance approved July 27, 1896, is hereby further amended by striking out the word "five" in the last line of said amendment and inserting in place thereof the word "eight," so as to read as follows :—

"To the city auditor, one thousand eight hundred dollars."

SECTION 2. Section one of chapter twelve of the ordinances of the city as amended by an ordinance approved April 15, 1902, is hereby

further amended by striking out the word "three" in section two of said amendment, and inserting in place thereof the word "five," so as to read, "To the city collector, one thousand five hundred dollars."

SECTION 3. This ordinance shall take effect on and after the first day of February in the present year.

Approved March 31, 1904.

AN ORDINANCE TO AMEND AN ORDINANCE ESTABLISHING THE COMPENSATION OF CERTAIN CITY OFFICERS.

Be it ordained by the City Council of the City of Salem as follows:—

SECTION 1. Section one of chapter twelve of the ordinances of the city is hereby amended by adding at the end of said section one, the following paragraph:—

To each of the members of the board of health, one hundred fifty dollars, and fifty dollars additional to the chairman thereof.

SECTION 2. This ordinance shall take effect from the first Monday of February, 1904.

Approved March 31, 1904.

AN ORDINANCE RELATING TO THE CITY ENGINEER.

Be it ordained by the City Council of the City of Salem as follows:—

SECTION 1. The city council shall annually in the month of April, elect by ballot in concurrence, a city engineer, who shall hold office for one year from the first day of May in the year in which he is elected, and until his successor is elected and qualified, or he is removed, and he may be removed at any time by concurrent vote of the city council.

He shall receive such compensation for his services as the city council shall determine.

In case the office shall become vacant, by death, resignation or otherwise, a successor shall forthwith be elected for the remainder of the term, in the manner above described.

The city engineer shall be subject to the

direction of the city council in all his official acts.

SECTION 2. The city engineer shall, under the direction of the city council, make and keep a record of all surveys of the streets, alleys, market spaces, parks, public landings and commons, and all other public works of the city, and execute plans, and draughts of the same, and calculate and ascertain the proper grade and level of all the streets which now or may hereafter be accepted and laid out by the city council, with boundaries and measurements thereof, and perform such other service pertaining to the duties of a civil engineer as may be required of him by the mayor, the city council, or any department of the city.

SECTION 3. The city engineer shall have charge and custody of all the plans, profiles and measurements of all the buildings, streets, sidewalks, water pipes, reservoirs, drains and sewers, culverts and bridges belonging to the city and keep the same, when not in use, in the office provided for him by the city.

He shall keep an index of the above and file a duplicate copy of said index with the city clerk.

SECTION 4. The city engineer shall, under the

direction of the board of aldermen, provide and lay before the city council, plans of all improvements of the streets, alleys, market spaces, public landings, parks and commons and other public works of the city, which may be in contemplation, together with an estimate of of the expenses of the same.

He shall examine and consider plans proposed for all public works of the city, and report to the proper committees, together with an estimate of the expenses, and his opinion and recommendation concerning the same.

SECTION 5. The city engineer shall under the direction of the city council exercise a general supervision of the entire sewerage system of the city when completed and the materials and property connected therewith.

He shall assume charge of the engineering work of the new sewerage system whenever directed so to do by the city council.

SECTION 6. Whenever the surface of a street has been broken up for any cause the city engineer shall see that the department, board or company that has worked thereon shall leave the surface of the street in good order; he shall report failure to do so to the mayor

and board of aldermen.

SECTION 7. The city engineer shall annually present to the city council a report in relation to his department, showing the general nature of the work, the condition of all the structures that come under his supervision that are in process of construction or that have been completed during the year, and such other general information in relation to the same as he may deem expedient.

He shall also make annually or oftener if required, a careful examination of all bridges within the city limits, and make such reports respecting their condition as to safety, need of removal or repairs, as the exigency of the case may require.

He shall report to the mayor and city solictor all encroachments which may come to his knowledge in all of the streets, alleys, market spaces, parks, or public landings of the city.

SECTION 8. The city engineer shall provide and use measuring implements of standard dimensions only.

SECTION 9. No other civil engineer shall be employed in behalf of the city except by the

city engineer with the approval of the mayor in writing, and the bill for the services of such engineer shall be approved by the mayor and city engineer.

No joint or special committee of either branch of the city council or any office employee or department of the city government shall employ or retain any civil engineering assistance at the expense of the city or any department thereof, other than the city engineer, except in the manner provided for in this section.

Approved April 15, 1904.

AN ORDINANCE TO AMEND AN ORDINANCE ESTABLISHING THE COMPENSATION OF CERTAIN CITY OFFICERS.

Be it ordained by the City Council of the City of Salem as follows:—

SECTION 1. Section one of chapter twelve is hereby amended by adding a new clause which shall read as follows :—

"To the city engineer two thousand dollars for the year beginning on the first Monday in May, 1904, and for each year thereafter, payable in equal monthly payments."

SECTION 2. This ordinance shall take effect on the first of May, 1904.

Approved Aril 28, 1904.

AN ORDINANCE TO AMEND AN ORDINANCE CONCERNING GUNPOWDER AND EXPLOSIVE COMPOUNDS.

Be it ordained by the City Council of the City of Salem as follows :—

SECTION 1. Section four of chapter nineteen of the revised ordinances is hereby amended by striking out said section and inserting in place thereof the following :—

SECTION 4. No person shall transport any explosive compound through the streets or highways of the city without first obtaining written permission from the chief engineer of the fire department, and only in vehicles approved by said chief engineer; upon each of which vehicles at least two skilled men shall be employed, one as a driver and one to have direct control and charge of the explosive compound; the said vehicles shall be loaded under the direct supervision of said chief engineer or some person duly designated by him.

Approved November 30, 1904.

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